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ITEM: Minor Variance – Recommendation Report
DATE: April 19, 2023
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: A-2023-03
OWNER(S): Claude & Nicky Levasseur
ADDRESS: 581 Big Moose Road

1. Description of Property

This property is the Big Moose Camp property, located at the end of Big Moose Road on the shores of Lake Nosbonsing. The property is approximately 40 acres with a smaller section near the shoreline developed for rental cottage and trailer sites. Private laneways also cross the property for access to private residences along Trail's End Road and Morgan Road.

2. Proposed Development

The applicant is proposing to replace an existing trailer site on the northerly portion of the property with a permanent rental cabin. The proposed development would change the way in which the space is rented out but would not increase the overall capacity of rentals on the site. Due to the lot layout and the proximity to property lines in the proposed location, a number of variances are required to permit reduced setbacks in order to accommodate the development. **Schedule A** highlights the location of the proposed cabin in yellow, with the property boundaries highlighted in red.

The applicant is seeking the following variances:

- Reduction in the front yard setback to 13m, whereas 30m is required.
- Reduction in the side yard setback to 3.5m, whereas 8m is required.
- Reduction in the side yard setback to 4.5m, whereas 8m is required.

3. Planning Review

A. Ontario Planning Act

Section 45 (1) of the Ontario Planning Act establishes four 'tests' for the review and consideration of a minor variance. The four 'tests' are:

1. Is the proposal minor in nature?
2. Is the proposal desirable for the appropriate development or use of land, building or structure?
3. Does the proposal maintain the purpose and intent of the Official Plan?
4. Does the proposal maintain the general purpose and intent of the Zoning By-law?

The four tests must be considered when reviewing a minor variance application and all tests must be met in order for an application to be approved.

B. Provincial Policy Statement

The Provincial Policy Statement (PPS 2020) was issued under Section 3 of the Planning Act, and came into effect May 1st, 2020. The PPS 2020 requires that decisions affecting planning matters "shall be consistent with" policy statements issued under said Act. The PPS 2020 contains high level direction for planning matters in the Province of Ontario, with the general vision being implemented through local Official Plans.

The current proposal has been reviewed in the context of the PPS 2020 and deemed to be consistent with the policies outlined in it.

C. Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario (2011) was issued under the Places to Grow Act, which ensures a long term vision for strong communities while implementing policies directed at economic prosperity. Similar to the PPS 2020, the Growth Plan provides high level direction for broad planning matters in Northern Ontario. The current proposal is in conformity with the Growth Plan for Northern Ontario

D. Official Plan Policies

The property is designated as Waterfront Designation in the Official Plan.

The Waterfront designation permits a variety of land uses including low density residential and mixed commercial uses.

The East Ferris Official Plan also contains more vague policies around appropriate development around water bodies and protection of our lake resources. Many of these policies relate to new lot development; however, the impacts of new buildings should also be considered. In this

instance, the proposed building would be in a location that is already actively used by trailers for recreation space and is a cleared area with a driveway between the proposed location and the shoreline of Lake Nosbonsing. Although the applicant is requested a reduction to the required setbacks that appears significant at first, the location of a cabin in this spot on the lot is consistent with the policies of the Official Plan based on the existing use of the property and the current topography.

The applicant's proposal is consistent with the general intent and purpose of the Municipality's Official Plan.

E. Zoning By-Law

The property is currently zoned Resort Commercial (C3), which permits a variety of recreational and accommodation based uses including campgrounds, hotels, marinas, restaurants, etc. In this case the property is developed with a camp, which is permitted by the C3 zoning. The intent of the C3 zoning is to permit uses that are primarily recreation and outdoor focused in addition to supporting uses. The zoning by-law also lays out requirements for the zone standards for things such as setbacks.

The applicant is seeking to build another cabin on the subject property, which is consistent with the use permissions of the zone. To build this cabin, setback reductions would be required on 3 sides of the cabin. The reduction in side yard setbacks would be consistent with the setbacks that exist for the adjacent cabin to the south. Further, the side yard setback reduction would primarily be adjacent to the applicant's own home on the adjacent lot.

The reduction in setback from the lake from 30m to 13m would not serve to reduce any existing vegetation or landscaping. The proposed area for the cabin already has a driveway and cleared area that is actively being used for trailer sites. Staff are of the opinion that the general intent of the by-law would be maintained in allowing the construction of a cabin on this location rather than the continued use of the area for trailers.

F. Conclusions

The application has been reviewed with the four 'tests' of Section 45(1) of the Ontario Planning Act. Staff are of the opinion that the 4 tests are met and that the variance is minor in nature. General whether a variance is minor not comes down to impact. Numerical changes in the standards are not historically good indicators of the appropriateness of a variance and a deeper look at impact is generally required. In this instance, the proposed are for the cabin would likely have less impact on the surrounding area than the existing use of this space as a trailer parking site.

G. Recommendation

That Minor Variance Application A-2023-03 to permit the construction of an additional rental cabin on the subject property be approved.

Respectfully Submitted,



Greg Kirton RPP, MCIP

Director of Community Services
Municipality of East Ferris

Schedule A – Location of Proposed Cabin

