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ITEM: Minor Variance – Recommendation Report
DATE: April 19, 2023
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: A-2023-04
ADDRESS: 267 Mirimishi Road

1. Description of Property

This property is located on Trout Lake on Mirimishi Road and currently has a detached dwelling on it along with a variety of accessory structures.

2. Proposed Development

The applicant is proposing to add a garage and living area to the easterly side of the home. The addition would roughly maintain the existing setbacks from the front and rear property lines and extend towards the side property line. The proposed addition would have a setback from the side property line that exceeds the required 3m setback. However, due to the existing structures on site, the proposed addition would result in a lot coverage that exceeds the 15% maximum. The applicant is requesting that the committee grant a variance to permit 17.5% lot coverage.

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 accessory structures, such as a garages, boat houses, and sheds. The official plan doesn't speak specifically to lot coverage, only that the zoning by-law will implement standards that allow development appropriate in scale to the environment, surrounding area, and lot. The applicant is seeking a modest addition to their home which meets all other zoning by-law standards, including all setbacks from property lines. The scale of this development proposal is consistent with the general area and would not constitute development that is too intense for the lot or neighbourhood that it is within.

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 Lakefront Residential Zone (RL), which permits a residential dwelling and accessory structures. There is no conflict with the Zoning By-Law from a use

perspective. The applicant is seeking permission to exceed the Zoning By-Law's provisions regarding the maximum lot coverage. They are seeking permission for a maximum lot coverage of 17.5% whereas 15% is the standard in the zoning by-law.

The general intent of these provisions is to ensure that all lots are developed in a way that doesn't appear too crowded relative to the rural environment of the municipality and to ensure that adequate open space and opportunity for green space is maintained on each lot. The applicant's proposal is not significant in scale and much of the lot coverage is taken up by smaller structures that are not significant in height and are suitable for the lot. Planning staff are of the opinion that the general intent of the Zoning By-law would be maintained in this instance if the increase in lot coverage were granted.

F. Conclusions

The application has been reviewed with the four 'tests' of Section 45(1) of the Ontario Planning Act. Staff is of the opinion that the general intent of both the Zoning By-law and Official Plan are maintained in this instance and that the requested variance is minor in the context of the lot and would result in a desirable development that is compatible with the surrounding area.

G. Recommendation

That Minor Variance Application A-2023-04 to permit the construction of an addition to the existing home and an associated increase in lot coverage to 17.5% be approved.

Respectfully Submitted,



Greg Kirton RPP, MCIP

Director of Community Services
Municipality of East Ferris

Location of Property (Not to Scale)



Site Plan – Propose Addition Location

