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**ITEM: Minor Variance – Recommendation Report**  
**DATE: March 20<sup>th</sup>, 2024**  
**TO: Committee of Adjustment**  
**FROM: Planning & Development Department**  
**FILE NO: A-2024-02**  
**OWNER(S): Danel and Judith Alexander**  
**ADDRESS: 4 MacDonald Terrace**

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## **1. Description of Property**

This property is located at 4 MacDonald Terrace. The lot is currently developed with a single detached dwelling, and garage. This lot and the existing development on the site significantly pre-date the existing policies related to setbacks and lot size. The existing dwelling is approximately 10.5m from the shoreline of Lake Nosbonsing with a series of decks, interlock patios and other landscaping features between the dwelling and the shoreline, including fencing within a few metres of shore.

## **2. Proposed Development**

The applicant is proposing to expand the dwelling by adding a seasonal room on the front of the existing dwelling as well as a raised deck in front of the seasonal room. This development would all take place within areas that are already cleared, landscaped, or developed with at grade decking, or some combination of these.

## **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 1<sup>st</sup>, 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 and Zoning By-law Policies**

The property is designated as Waterfront Designation in the Official Plan. The zoning for the property is Lakefront Residential (RL)

Both the zoning and official plan policies for this property permit residential use generally speaking but both contain various policies related to setbacks required relative to Lake Nosbonsing. In a normal circumstance, new dwellings would require a 30m setback from Lake Nosbonsing and new deck structures would be permitted to encroach into the required setback as much as 2.5 additional metres. The setbacks and encroachments are based on the theoretical development of a 0.8ha (2 acre) lot with 30m (200 ft.) of frontage, which is our current minimum standard. The setbacks are intended to provide space to maintain vegetative buffers along the lake and maintain visual elements of the shoreline. In this case, the area along the shoreline has already been established with a dwelling, decks, patios, landscaping and other features that aren't in line with current standards.

In many cases, historic lots exist that are significantly undersized and were developed at a time when standards were very different. In some circumstances it is appropriate to consider these

limitations when looking at a variance application. In this case, the existing dwelling is 10.50m setback from Lake Nosbonsing and the entire lot is only just of 40m in depth from the edge of the lake. Of course, it would not be possible to develop in any way in line with the current by-law standards.

A significant factor in whether a variance should be considered for approval or not is whether it is minor and in other words, what level of impact the approval would have. In this circumstance, the additional development would take place in a location that is already occupied by structures (decks) and would not have any meaningful impact on the shoreline of Lake Nosbonsing. The adjacent lots in this area have similar levels of development with all homes being very close to the water with significant areas of landscaping.

Although the intent of the setback policies in the official plan and zoning by-law are generally to maintain buffer distances, their primary focus is also to prevent any detrimental impacts to the lake as a result of development. In this instance, given that the area subject to the development would not be altered in a way that would create additional pressure on the lake, staff are of the opinion that the general intent of the setback policies in our planning documents are maintained through this request.

Based on the previous rationale, staff are of the opinion that the 4 tests for a minor variance are met and the application is appropriate in this context, minor in nature given the lack of impact, and generally in conformity with the relevant East Ferris planning documents.

## E. Recommendation

That Minor Variance Application A-2024-02 to permit the construction of an addition and elevated deck be approved.

Respectfully Submitted,

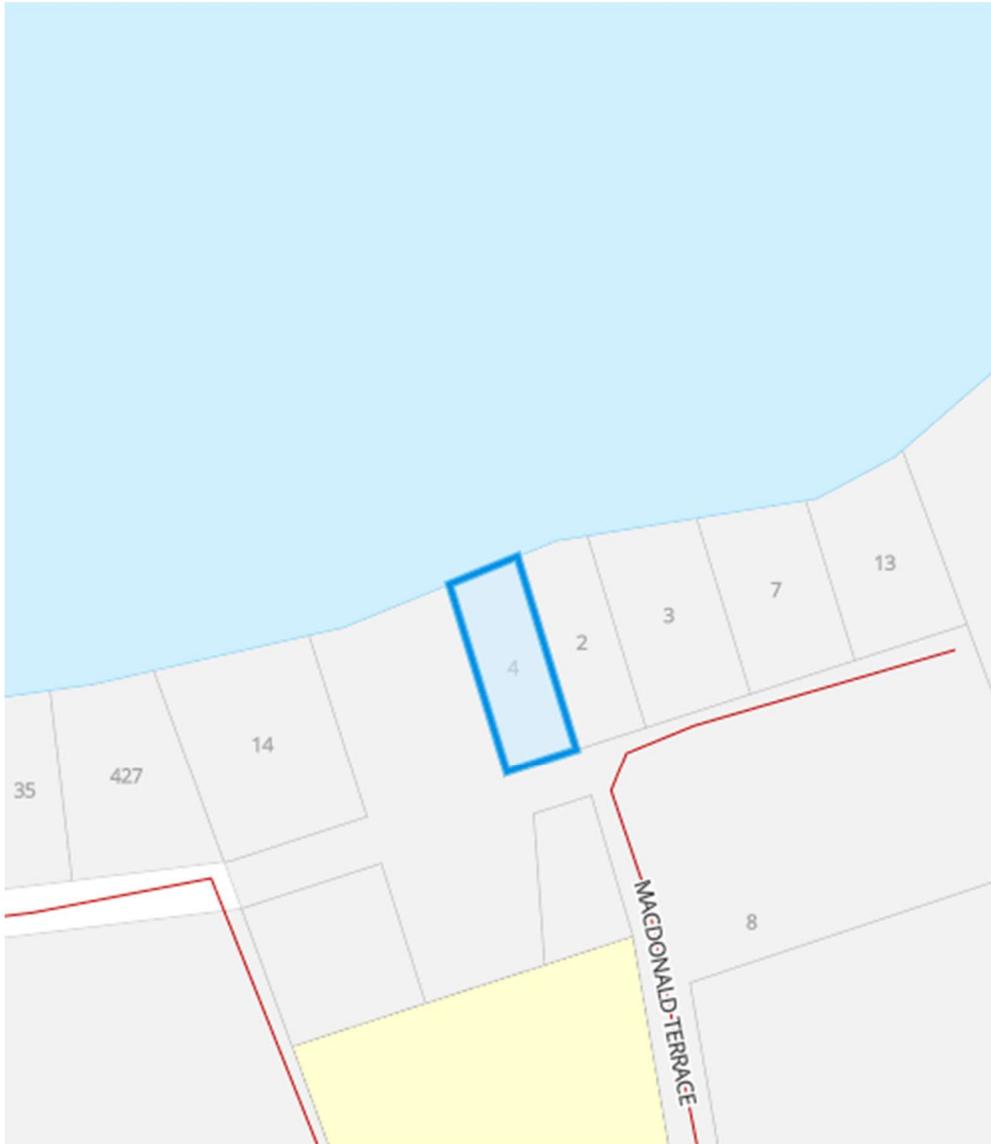


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Greg Kirton, RPP, MCIP  
Director of Community Services



**Location of Property (Not to Scale)**



### Proposed Addition Location

