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ITEM: Minor Variance – Recommendation Report
DATE: May 22nd, 2024
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: A-2024-08
OWNER(S): Jules Perron and Jessica Farmer
ADDRESS: 34 Marina Road

1. Description of Property

This property is located at 34 Marina Road and has a variety of existing buildings located on it, including multiple dwellings and a variety of accessory buildings.

2. Proposed Development

The applicant is proposing to expand the existing dwelling on the westerly portion of the property. The applicant is seeking a minor variance to permit a reduction in the required setback from the water. The applicant is seeking a 14.00m setback for the main dwelling, whereas 30m is required. The applicant is also seeking approval for a reduced setback for a deck of 10.65m whereas 27.5m 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. Policy Review / Four Tests

This property is zoned and designed waterfront by the East Ferris planning documents. The waterfront zoning permits residential uses and accessory dwelling and also permits the expansion of legal non-conforming uses. A legal non-conforming use is something that was legally established at some point that predates existing by-laws standards but no longer complies to the existing by-law. In this instance, the existing dwelling is legal non-conforming in the sense that the existing setback from the water for the dwelling is 18.12m.

The East Ferris zoning by-law permits, without further approvals, the expansion of these uses provided that the existing setback deficiencies are not worsened. The applicant is proposed to extend the existing home and as a result of the orientation of the home and the shoreline the proposed addition would be closer to the water than what is existing. In this situation, a minor variance is required to permit a decrease to that existing setback.

Similarly, the applicant is proposing a deck off of the front and side of the proposed addition. A deck is permitted to encroach into the required setback a distance of 2.5m; however, since the existing setback is deficient to what is required, any projection would require a minor variance approval.

The 30m setback for new dwellings is primarily intended to apply to new lot development. Over

time planning policies evolved to require greater setbacks from the water in order to accommodate greater vegetative buffers and encourage greater areas of natural vegetation along the shoreline. When dealing with existing lots that predate our by-law standards, consideration has to be given to the existing lot layout. In this case the proposed location of the addition is already significantly cleared of vegetation and well manicured.

A major consideration to approving a variance in this case is what type of impact the proposed development would have on the shoreline and area where the development is proposed. In this case, the impact would be minimal relative to the existing cleared area. There would be some additional runoff from the dwelling in the area and some disruption to the landscape but the area is relatively flat and the runoff into the lake would not change in a significant manner.

Further, the proposed development is appropriate in the context of the surrounding area. The majority of the adjacent dwellings have setbacks that are lesser than what is being proposed by the applicant. It would be within the character of development within this area.

The North Bay-Mattawa Conservation Authority has also issued a Development, Interference and Alteration (DIA) permit for the proposed development and does not have concerns with any shoreline impacts.

E. Recommendation

That Minor Variance Application A-2024-08 to permit a 14.00m setback from the water for the main dwelling, whereas 30m is required and a 10.65m setback for the deck whereas 27.5m is required be approved.

Respectfully Submitted,



Greg Kirton, RPP, MCIP
Director of Community Services

Location of Property (Not to Scale)



Development Proposal

