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ITEM: Minor Variance – Recommendation Report
DATE: February 15, 2023
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: A-2023-02
OWNER(S): Jeremy and Kara Wood
ADDRESS: 176 Waukegan

1. Description of Property

This property is located at 176 Waukegan Road and is currently vacant.

2. Proposed Development

The applicant is seeking a reduction in the required rear yard setback in order to develop a detached dwelling on the property. The Estate Residential Zoning requires substantial rear yard setbacks compared to most zones, with 30 m being the required setback. These setbacks are suitable to the larger required lot sizes for standard Estate Residential lots in these types of subdivisions. In the case of 176 Waukegan, the property has a different shape due to being located along a bend in the road which changes the development pattern slightly. As a result, the applicant is seeking a reduced setback to 21.31 m in the rear yard whereas 30 m is required. All other setback requirements and by-law provisions are met.

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 Estate Residential in the Official Plan. This designation generally applies to subdivisions that were developed with large lots as one larger development. The intention of this designation is to have well spaced homes on larger lots. The applicants proposal to reduce the rear yard setback does not impact this goal because the reduction is only required as a result of the shape of the lot. The shape of the means that although the rear yard is slightly reduced, the side yard setbacks are significantly increased relative to other lots in the area, which maintains the general intent of these policies.

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 Estate Residential and requires a 30 m setback for the rear yard setback. As discussed in section 3) D. above, the lot shape makes it difficult to meet the large front and rear yard setbacks due to the shallow but wide shape of the lot. As a result the side yard setbacks are significantly increased so the general intent of the Zoning By-law is maintained in providing significant spacing between dwellings in this zoning classification. The front yard setback is also maintained so the impression from the street will be that the dwelling is the appropriate distance from the road.

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 application meets the 4 tests for a minor variance for the reasons listed above in this report. The development is well suited to the lot and consistent with the policies of both the Official Plan and Zoning By-law as it related to Estate Residential developments. There is virtually no impact to any adjacent property owner as a result of the reduced setback and the application is minor in nature.

G. Recommendation

That Minor Variance Application A-2023-02 to permit the construction of a new dwelling with a reduced rear yard setback be approved.

Respectfully Submitted,



Greg Kirton
Director of Community Services

Location of Property (Not to Scale)



Draft Site Plan

