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ITEM: Minor Variance – Recommendation Report
DATE: August 16, 2023
TO: Committee of Adjustment
FROM: Planning & Development Department
FILE NO: A-2023-08
ADDRESS: 214 One Mile Road

1. Description of Property

This property is located along One Mile Road, directly across the road from 214 One Mile Road. This parcel of land is bound by covenant to 214 One Mile Road and although physically separate it is functionally part of 214 One Mile Road in the sense that they will always be transferred together and are legally bound together.

During the subdivision application process for the 25 lot subdivision adjacent to One Mile Road, the decision was made to establish a number of small blocks of land on the non-water side of One Mile Road that could be purchased by the owners of lakeside property on One Mile Road for the purpose of the construction of garages and for storage. Some of the lakeside lots on One Mile have space constraints and this would allow for them to build accessory structures across the road. This land is not permitted to have a dwelling constructed on it and would only be suitable for accessory buildings.

2. Proposed Development

The applicant is proposing to construct a carport for the purpose of boat and ATV storage on this parcel of land.

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 and Zoning By-law Review

The official plan and zoning by-law both permit accessory structures on the subject lands. Land use is not an issue. In this case the requested variance is for the reduction of the required front yard setback. Zoning By-law 2021-60 sets out the required setbacks for each zone for primary buildings as well as accessory structures. In most residential zones, this property included, the required setbacks for accessory structures are 2m from side and rear property lines and a setback from the front property line that matches the required setback for the main building in that zone. In this case, the Lakefront Residential zone requires a setback of 8m from the front lot line, which means that the required setback for the accessory structure would also be 8m. The applicant is seeking a minor variance to permit a decrease in the required front yard setback from 8m to 2m.

E. Conclusions

The application has been reviewed with the four 'tests' of Section 45(1) of the Ontario Planning Act. Although the applicant is requesting a significant numerical reduction in the required setback, there are a number of extenuating circumstances related to this property that mitigate any potential impacts or concerns.

Firstly, the general intent of the policies that require an additional setback in the front yard are to ensure that accessory structures aren't located in front of homes, which in many cases detracts from the character of the neighbourhood by making things look cluttered and messy along the streetscape. In this case, it is not possible for dwellings to be constructed on these properties because of the way they are tied to the properties across One Mile Road. So, in this instance, there is no concern about the negative visual impact of having accessory structures in the front yard close to the front lot line. The intent of these blocks was specifically for the construction of these types of buildings.

Secondly, the physical location of One Mile Road does not directly follow the center of the road allowance and is much further away from the front lot line of the blocks where the car port is proposed than it is from the lakeside lots where the dwellings are located. The edge of the travelled part of One Mile Road is approximately 15m away from the front lot line of the block where the carport is proposed. This means that even with a reduction in the required setback the accessory structure would still appear to be approximately 17m away from the edge of One Mile Road. Having to meet the required 8m setback starts to become very excessive when it comes to the installation of a driveway and the clearing of the land.

It would be appropriate to allow the reduced setback given the context of these specific parcels of land and the relationship between the lot line and the edge of One Mile Road.

F. Recommendation

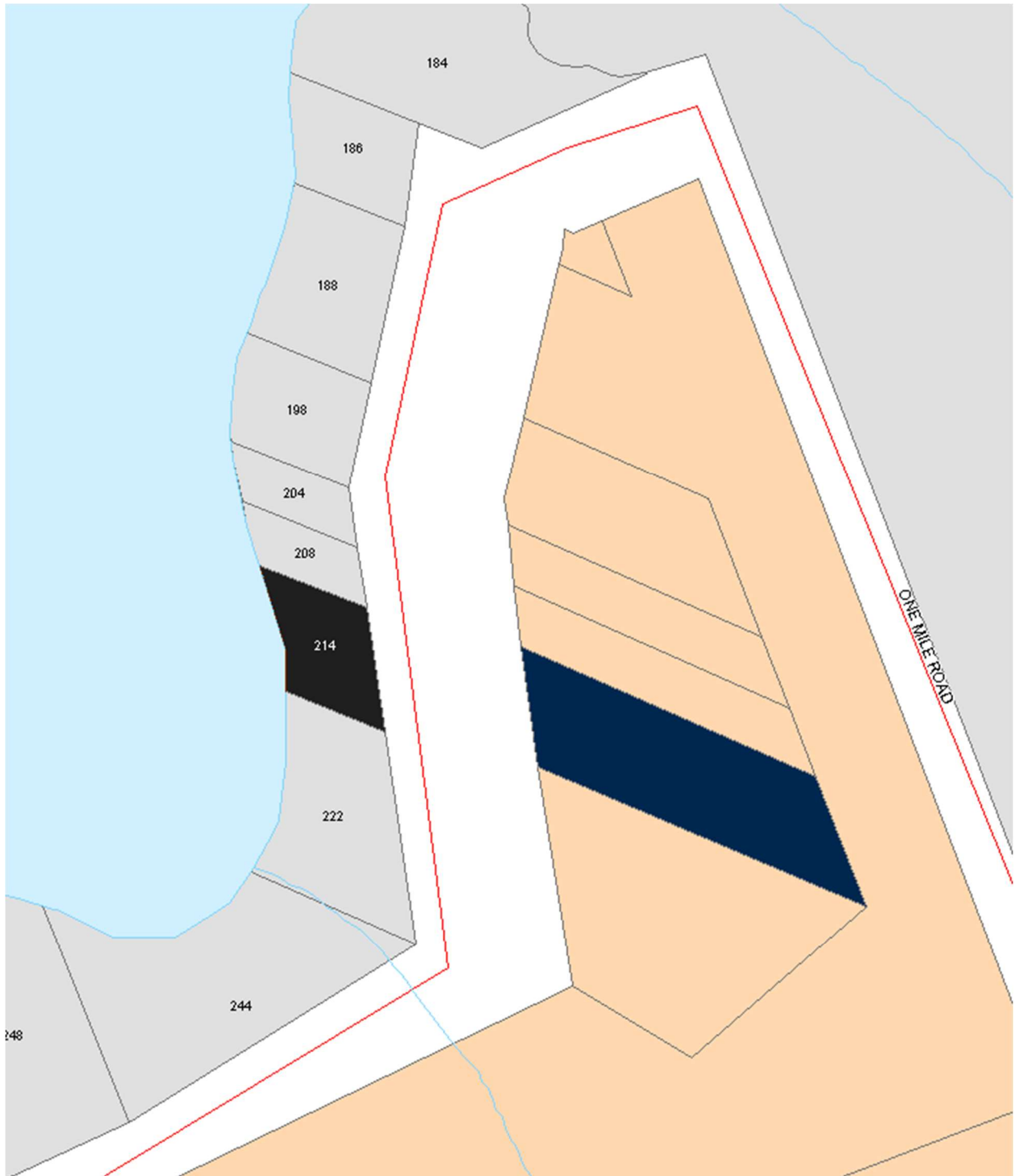
That Minor Variance Application A-2023-08 to permit the construction of an accessory structure with a reduced setback be approved.

Respectfully Submitted,



Greg Kirton, RPP, MCIP
Director of Community Services

Location of Property (Not to Scale)



Location of Carport

