

TOWNSHIP OF RYERSON

COMMITTEE OF ADJUSTMENT

Application for Minor Variance Planning Act S. 45 (1)  
or For Permission Planning Act S. 45 (2)

File # A 01/24

The undersigned hereby applies to the Committee of Adjustment for the Township of Ryerson under section 45 of the Planning Act for relief, as described in the application, from Zoning By-Law #56-14 (as amended).

1. Name of Owner Gloria Briden

Email address \_\_\_\_\_

Telephone Number 705-571-6452 Property Roll # 4924000002211900000

2. Address 97 Lakeview Drive West, Burks Falls, ON P0A 1C0

3. Name of Agent (if any) John Gallagher

Agent Email address jggplan@suren.net

Agent Phone Number 705-380-5900

4. Agent Address 24 Hubberd Road Huntsville ON P1H 1C9

**Note: Unless otherwise requested, all communications will be sent to the agent, if any.**

5. Present Official Plan designation applying to the land:

Rural

6. Present Zoning By-Law provisions applying to the land: \_\_\_\_\_

Rural

7. Nature and extent of relief applied for: Reduce the exterior side yard to 50'  
\_\_\_\_\_  
\_\_\_\_\_

8. Why is it not possible to comply with the provisions of the by-law? \_\_\_\_\_  
The lot is only so wide. The lot was part of a deal so the municipality could gain  
ownership of the trepass road. Property was exchanged between Township and Owner  
\_\_\_\_\_

9. Legal description of subject land (registered plan number and lot number or other legal description and, where applicable, street and street number): \_\_\_\_\_  
Part Lot 15, Concession 13, Ryerson designated as Pts 8, 9, 10 on 42R-15442  
\_\_\_\_\_

10. Dimensions of subject land: Frontage: 127.51'  
Depth: 528.54'  
Area: 1.02 acres approx

11. Access to the subject lands is by (check applicable space):  
Provincial Highway \_\_\_\_\_  
Municipal Road X Seasonal \_\_\_\_\_ All Year X  
Other Public Road (specify) \_\_\_\_\_  
Right-of-Way \_\_\_\_\_  
Water \_\_\_\_\_

If access to the subject land is by water only, the parking and docking facilities to be used:  
\_\_\_\_\_

Distance of this facility from the subject land and the nearest public road: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

12. Existing uses of the subject property: Vacant Rural lot

\_\_\_\_\_  
\_\_\_\_\_

13. Existing uses of abutting properties: Rural and Rural Residential

\_\_\_\_\_

14. Proposed uses of the subject property: Rural Residential

\_\_\_\_\_

15. Are there any buildings or structures on the subject land? Yes \_\_\_\_\_ No X

16. Particulars of all buildings and structures on or proposed for the subject land. Specify ground floor area, gross floor area, number of stories, width, length, height, etc:

Existing: None

\_\_\_\_\_

Proposed: Unknown at this time

\_\_\_\_\_

17. Location of all buildings and structures on or proposed for the subject land, specify distance from side, rear and front of lines:

Existing: \_\_\_\_\_

None

Proposed: \_\_\_\_\_

Unknown at this time

18. Date of acquisition of subject land: October 5, 2016 Jan 2001 approx

19. Date of construction of all buildings and structures on subject land: N/A

20. Length of time the existing uses of the subject property have continued: \_\_\_\_\_

Since lot created 2001 approx

21. Water is provided to the subject land by:

Publicly owned/operated water system \_\_\_\_

Privately owned/operated individual well X Proposed

Privately owned/operated communal well \_\_\_\_

Lake or other water body \_\_\_\_

Other means (specify) \_\_\_\_\_

22. Sewage Disposal is provided to the subject land by:

Publicly owned/operated sanitary sewage system \_\_\_\_

Privately owned/operated communal septic system \_\_\_\_

Privately owned/operated individual septic system X Proposed

Privy \_\_\_\_

Other means (Specify) \_\_\_\_\_

23. Storm Drainage is provided to the subject land by:  
Sewers \_\_\_\_ Ditches \_\_\_\_ Swales  Other means (Specify) Sheet

24. Has the owner previously applied for relief in respect of the subject property?  
Yes \_\_\_\_\_ No   
If yes, please describe:  
\_\_\_\_\_  
\_\_\_\_\_

28. Is this subject property the subject of a current application for consent under Section 53  
the Planning Act? Yes \_\_\_\_\_ File No. \_\_\_\_\_ Status \_\_\_\_\_  
No

If known, indicate if the subject land is the subject of an application under the Planning  
Act for:  
Approval of a plan of subdivision (Section 51) File No. \_\_\_\_\_ Status \_\_\_\_\_  
Previous Application (under Section 45) File No. \_\_\_\_\_ Status \_\_\_\_\_

There are additional requirements when submitting this application.

**Read the Note:** section below prior to submitting and be prepared to produce the necessary  
plans, monies and signed declarations. Contact the Municipal Office for further clarification, if  
necessary.

**Note:**

1. One copy of this application will be filed with the Secretary-Treasurer of the Committee  
of Adjustment, together with the plan referred to in Note 2, accompanied by the current  
administration fee and/or deposit in cash or by cheque made payable to the Township of  
Ryerson. **Any and all extra charges associated with the application for a Minor  
Variance shall be the applicant's responsibility.**
2. One plan must be submitted that show the dimensions of the subject land and all abutting  
land and showing the location, size and type of all buildings and structures on the subject  
and abutting land. The Committee of Adjustment may require that the plan be signed by  
an Ontario Land Surveyor.

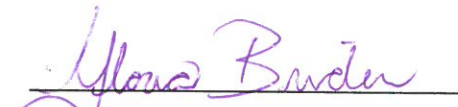
3. A signed and witnessed *Declaration of Applicant or Authorized Agent* must be submitted to the Municipal Office.

**AUTHORIZATION BY OWNER**

I, Gloria Briden, the undersigned, being the owner of the subject  
Please Print Name

land, hereby authorize John Gallagher to be the applicant in  
the submission of this application.

May 24, 2024



**DECLARATION OF APPLICANT**

I, John Gallagher of the Town of Huntsville  
in the District of Muskoka solemnly declare that:

All the statements contained in this application and provided by me are true and I make this  
solemn declaration conscientiously believing it to be true and knowing that it is of the  
same force and effect as if made under oath.

DECLARED before me at the Town

of Huntsville

In the District of Muskoka

This 28<sup>th</sup> day of May, 2024.

  
Signature of Applicant

  
Signature of Commissioner etc.

**PERMISSION TO ENTER**

I hereby authorize the members of staff and/or elected members of Council of the Township of Ryerson to enter upon the subject lands and premises for the limited purpose of evaluating the merits of this application. This is their authority for doing so.

May 24, 2024  
Date

X   
Signature of Registered Owner (s) or Agent

Personal Information contained on this form, collected pursuant to the Planning Act, will be used for the purpose of responding to the initial application. Questions should be directed to the Municipal Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.

Filed in: M:\COREL\WPDATA\Planning Documents\Minor Variance\Minor Variance Application



**TOWNSHIP OF RYERSON  
COMMITTEE OF ADJUSTMENT**

June 19, 2024

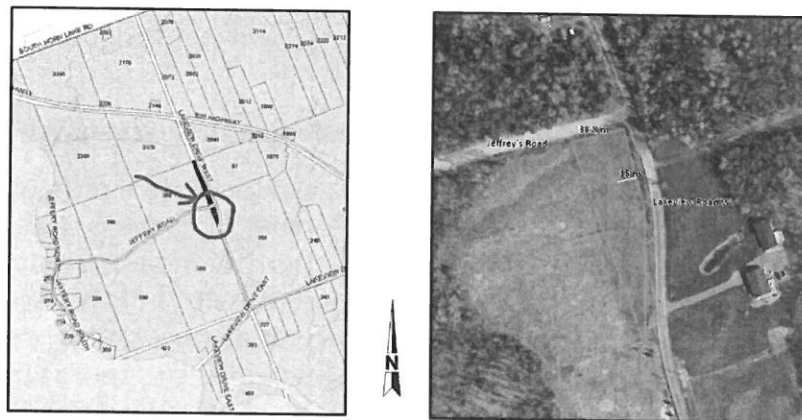
**Reference:** File A 1/24 – Minor Variance Application  
97 Lakeview Drive West, Burk's Falls ON P0H 1C0  
Applicant – Gloria Briden

**Purpose of Application:**

The applicant is seeking relief from Zoning By-law #56-14, Section 4.1 – Zone Provisions, to permit a reduction in the minimum exterior side yard setback within the Rural Zone from the required 30 metres to 15 metres to permit a proposed future dwelling to be constructed on an existing undersized lot (see Attachment 1 - sketch).

**Subject Property:**

An application for a Minor Variance for the property located at the southwest intersection of Lakeview Drive West and Jeffrey Road in Burk's Falls was submitted for consideration. The property is legally known as Part of Lot 15, Concession 13, Ryerson Township designated as Parts 8, 9, & 10 on Plan 42R-15442 (Figure 1). The property is designated Rural in the Township's Official Plan and zoned Rural in the Township's Zoning By-law #56-14. Surrounding properties are also designated and zoned Rural. The property is currently vacant, and it is understood that the municipality transferred the lands to the current owner in exchange for lands containing the existing road which diverged from the road allowance onto the owner's property. The property is irregular in shape and is approximately 0.4 hectares (1.02 acres) in size.



**Figure 1 – Subject Site** (maps not to scale and display approximate measurements)



### **Minor Variance Rationale:**

Section 45(1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, sets out four tests for a minor variance that must be met for the consideration of its approval.

- **Is the general intent and purpose of the Official Plan maintained?**

In the Official Plan, the Rural designation promotes the preservation of rural character with the dominant consideration for an open and natural appearance of the countryside as a priority. A single detached dwelling is a permitted use in the Rural area and existing non-conforming lots may be permitted to develop. The existing lot appears to be beside of a section of land currently maintained as cleared fields whereby development would not detract from the existing rural character of the surrounding properties.

- **Is the general intent and purpose of the Zoning By-law maintained?**

The subject property is zoned Rural which permits the development of a single detached dwelling. Within the Rural zone, existing undersized lots may be permitted to develop provided all zone provisions can be met. The limitations of situating a building on the subject property are restricted by its small, irregular size of 0.4 hectares whereas a minimum size of 1 hectare is required for new lots within the Rural Zone. The preferred location for development can accommodate the front, interior and back yard setbacks while the exterior side yard setback is the only limitation. It is noted that the proposed exterior side yard setback of 15 metres is similar to the exterior side yard requirement for other residential lots with smaller lot requirements in other zones in the Township. Therefore, a smaller exterior side yard setback is appropriate for smaller sized lots and will continue to ensure that a sufficient setback is provided between the dwelling and the road from a safety and sightline perspective.

It is understood that the Township and the owner had previously agreed to an exchange of the Unopened Road Allowance for the physical trespass road (Lakeview Drive) as it was located on the owner's property. This exchange resulted in the Township having clear legal title to the road as it existed and provided two building lots to the owner as shown in Attachment 2 - Plan 42-15442.

- **Is the variance desirable for the appropriate development of use of the property?**

The proposed variance is desirable as it would facilitate the development of a residential dwelling on the widest portion of the existing undersized lot. Given the irregular lot size, development is limited on the site and the proposed reduction to the exterior side yard setback continues to ensure that the dwelling is adequately setback from the road while facilitating residential development. Residential development in appropriate locations is encouraged within the province. The subject land is relatively flat, cleared and adjacent to both Jeffrey's Road and Lakeview Road West, making it an appropriate use of the

property. Further, the proposed variance would not set a precedent given the property's irregular lot shape.

- **Is the variance minor?**

The widest section of the existing lot is approximately 38.8 metres, making a proposed dwelling unit difficult to situate within the 30 metre setback requirement. The proposed request is considered minor based on the overall impact on adjacent properties and the limitations of the existing lot size for development potential. The requested 15 metre setback will still provide a reasonable setback to the road and is deemed the best location for development on the lot.

**Recommendation:**

The proposed minor variance maintains the general intent and purpose of the Township's Official Plan and Zoning By-law. The requested variance is considered a desirable use of the land (to increase residential development potential) and is minor in nature. The application represents good land use planning and meets the four tests required under Section 45(1) of the *Planning Act*.

Sincerely,

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Tara Michauville, MSc Planning  
Planner

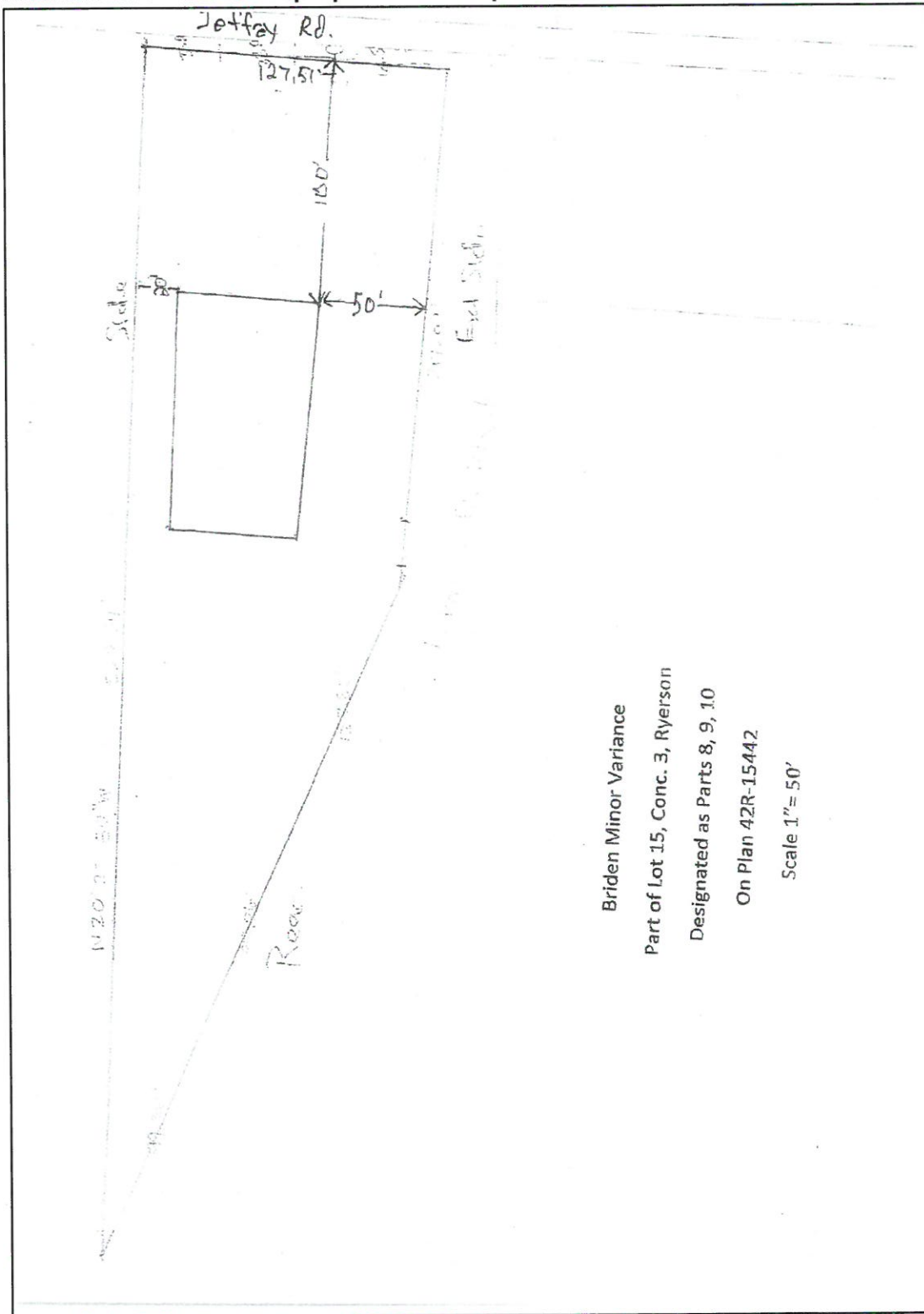
Reviewed by:



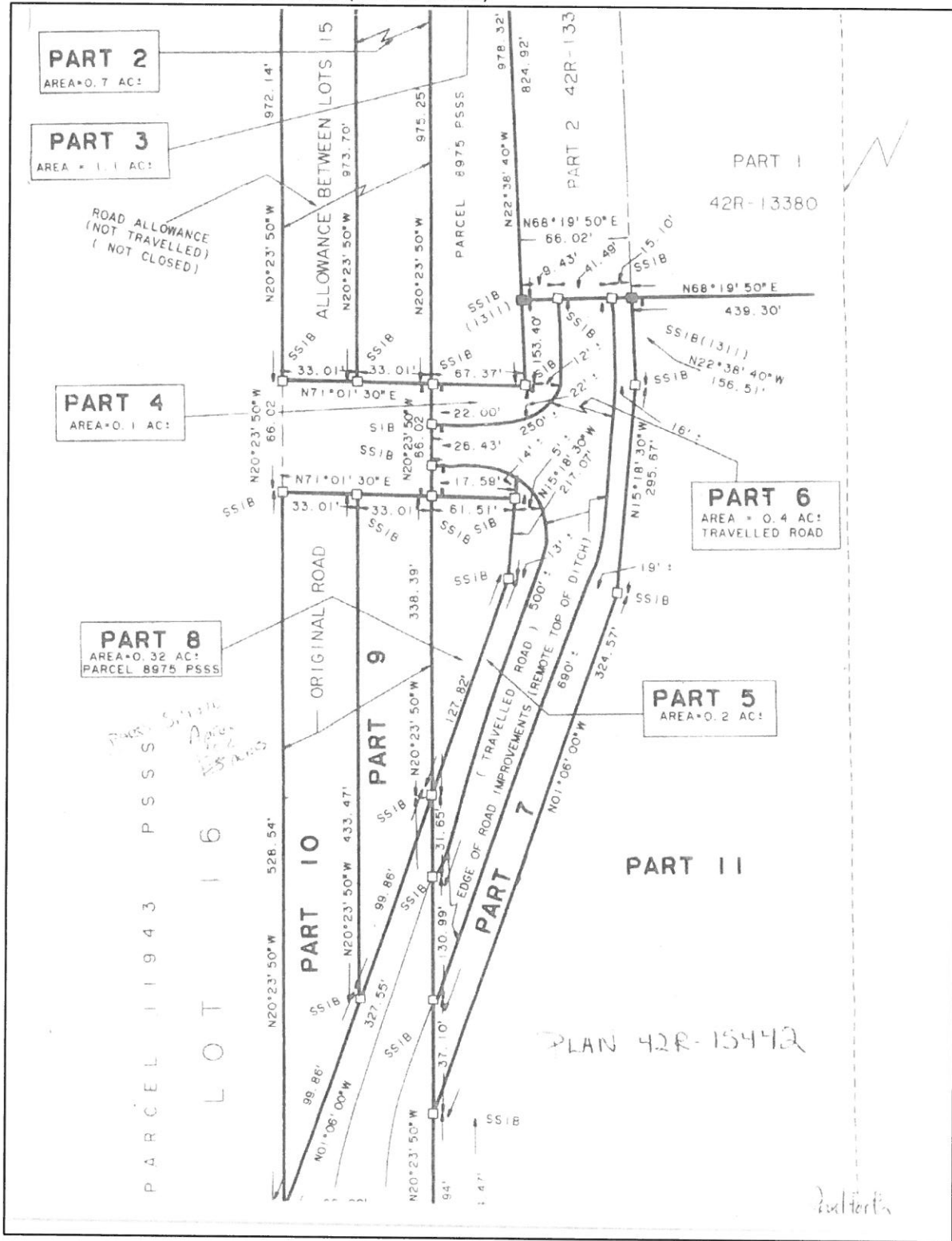
Alison Bucking, RPP  
Planner

TM:ab

Attachment 1 - Sketch of proposed development



Attachment 2 - Plan 42R-15442 (not to scale)





**JOHN P. GALLAGHER & ASSOCIATES**  
PLANNING, DEVELOPMENT & DESIGN CONSULTANTS

May 31, 2004

Nancy Field

Township of Ryerson Clerk

Hand Delivered

Dear Ms. Field,

RE: G. Briden Minor Variance Application

Further to our discussions on this matter, please find a copy of an application for Minor Variance together with the fee and deposit to process same. Also included is the authorization for me to act as agent in this regard.

The purpose of the variance is to reduce the exterior side yard setback requirement from 30 m to 15 m, in order to allow a reasonable building envelope on the lot. As background to this file, it is my understanding that the municipality and the Owner/Owners mother had agreed to an exchange of the North/South Unopened Road Allowance from the Township for the physical trespass road (Lakeview Drive) that was located on their lands. This agreed upon exchange resulted in the Township having clear legal title to the road as it existed and in exchange, provided two building lots as shown on Plan 42-15442. The legal descriptions for the lots are further described in the parcel abstract attached.

The Owners looked into placing a dwelling on the lots and found that a Zoning Bylaw had been passed, which imposed a significant (30 metre) exterior sideyard requirement. This put severe limitations on the usability of the lots; hence a minor variance application is being submitted to the Township.

In review of the tests, it is my opinion that the application maintains the general intent and purpose of the Official Plan. The lands are designated Rural in the Township of Ryerson Official Plan. The following sections of the Official Plan are shown in italics below.

TELEPHONE/FACSIMILE (705) 789-5900  
EMAIL: [jpgplan@surenet.net](mailto:jpgplan@surenet.net)  
[www.planningconsultant.net](http://www.planningconsultant.net)

*The preservation and promotion of the rural character of the Township and the maintenance of the open countryside are basic principles applicable to all development in the Rural designation.*

*To reinforce the impression of an open and natural landscape, the development pattern will continue to be characterized by large wide lots with varying setbacks.*

*The dominant consideration in addressing Rural development proposals will be the impact on the rural character of the Township. Preservation of the open, natural appearance of the countryside will be a priority. To achieve this, a traditional dispersed development pattern will be encouraged.*

In this instance, the rural character of the area will be retained. The lands are currently void of treed vegetation and the grass has been kept to a minimum height. The width of the lot gets narrower as it moves south, so the best location for the building is near the mid and northern section of the lot. Further, the interior side yard provides a 25' setback, to keep it further away from Lakeview Drive. The Owner will still retain a 100' setback from Jeffery Drive.

#### *4.1.3 Permitted Uses*

*Permitted uses include:*

*i) a single detached dwelling;*

*ii) a semi-detached or duplex dwelling;*

A single or duplex dwelling is contemplated in the Official Plan and permitted in the Zoning Bylaw.

The application also maintains the general intent and purpose of the Zoning Bylaw, by allowing a permitted use in an appropriate location on the lot. The variance is only for the exterior side yard and all other zone regulations would be complied with. The 30m exterior sideyard is excessive when compared with other Zoning Bylaws. For example, Huntsville has a 10m exterior side yard for Rural zoning, Magnetewan has a 15m exterior side yard setback for Rural.

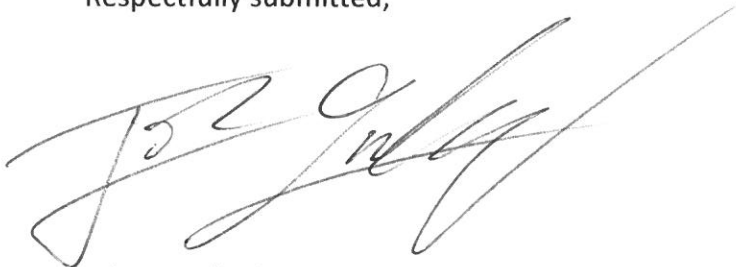
As the lot is somewhat narrow, it makes sense to deal with a lesser setback to allow for the construction of the buildings. An exchange was made by both parties but the Zoning Bylaw that came into effect later, limited usability of the lot. There is a need for the variance so there would not be a hardship to the Owner.

The reduced setback is desirable for the appropriate development and rural/residential use of the land. The 15 m setback provides a significant setback from Lakeview Drive and places development to the west side of the lot, 25' from the west boundary. There is currently a housing crisis and this lot would provide an opportunity for housing a family.

The application is minor in nature, given the impact on adjacent land uses. The reduced setback still provides a reasonable setback. The 15 metre setback provides an appropriate and large setback from Lakeview Drive and the existing dwelling east of that. There are no homes in close proximity to the north, south or west. The setback would not impact the placement of a septic system and well for the lands. The size of the lot is large enough to support a dwelling, septic, well and amenity area.

It is my professional opinion that the minor variance application, as submitted, meets the four tests contemplated in the Planning Act. I will be in attendance at the meeting, should there be any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. Gallagher', written in a cursive style.

John P Gallagher, MCIP, RPP