



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
COMMITTEE OF ADJUSTMENT

AGENDA

Thursday, September 26, 2019, 1:00 P.M.
Main Level Chambers

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote openness and transparency. As a visitor, your presence along with your name and address, may be recorded revealed during certain parts of the meeting. Any comments made at a meeting will become part of the public record.

Pages

1. CALL TO ORDER
- 1.1 MEETING PROCEDURES
2. ADOPTION OF THE AGENDA
- 2.1 Adoption of the Agenda dated September 26, 2019
Draft Motion:
BE IT RESOLVED THAT the agenda dated September 26, 2019 be adopted as presented.
3. ADOPTION OF THE MINUTES
- 3.1 Adoption of the Minutes from the July 25, 2019 meeting. 1
Draft Motion:
BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held July 25, 2019 be adopted presented.
4. DECLARATION OF CONFLICT OF INTEREST
5. DEFERRED APPLICATIONS
- 5.1 C-19-01 - Krygsman
C-19-01 - Krygsman Consent Application has been deferred until an archaeological assessment is completed.
6. ADJOURNED APPLICATIONS
7. NEW APPLICATIONS
- 7.1 Application No. MV-19-03 - K.J. Allen Investment Inc. 7
Application No. MV-19-03
Applicant: K. J. Allen Investment Inc.
Property Location: 20 Lake Temagami Island 337

THE PURPOSE of the Application is:

To permit the construction of an addition to an existing cottage and an addition of a screened

porch. The application is also to permit a sleep cabin on the subject property. The existing buildings are located within the Shoreline Activity Area (SAA) and are considered legal non-complying buildings, due to not meeting the minimum required setback of 15 metres from the shoreline. The subject property is located within the Remote Residential (R1) Zone (Lake Temagami).

THE EFFECT of the Application is:

- Section 6.28: To permit an expansion of a non-complying cottage that is located within the SAA. The cottage has a current size of 45.5 square metres (490 square feet) and is proposed to be expanded to 95.5 square metres (1,026 square feet) which is an increase of 50.0 square metres (536 square feet). The expansion includes the addition and the screened porch. To permit the additions to the existing cottage with minimum distances from the shoreline of 5 metres from the north shoreline of the subject property, 6.5 metres from the east shoreline of the subject property, and 11 metres from the south shoreline of the subject property.
- Section 6.40: To permit an increase in the maximum area of structures within the Shoreline Activity Area to 117.0 square metres (1,259 square feet) where a maximum of 100 square metres (1,076 square feet) is permitted.
- Section 7.4.2 Any Sleeping Cabin without both bathroom and kitchen facilities a): To permit a sleep cabin that is located 6 metres (20 feet) from the shoreline on the south side of the subject property where a minimum setback of 15 metres (49 feet) is permitted.

Draft Motion:

BE IT RESOLVED THAT

The Committee of Adjustment: Grants Refuses Deferrers

Minor Variance Application: MV-19-03

Applicant: K.J. Allen Investments Inc.

Subject to the attached Notice of Decision

8. ITEMS FOR INFORMATION

9. NEXT MEETING DATE

10. ADJOURNMENT

Draft Motion:

BE IT RESOLVED THAT the September 26, 2019 Committee of Adjustment meeting be adjourned at p.m.



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
COMMITTEE OF ADJUSTMENT
DRAFT MINUTES**

**July 25, 2019, 1:00 P.M.
Main Level Chambers**

An audio recording of this meeting has been made and is available through the Municipal Website.

PRESENT: C. Dwyer, N. Brooker, B. Graham,
ABSENT: G. Cline (Without Notice), B. Rice (Without Notice), K. Ballentine (Without Notice)
STAFF: Secretary-Treasurer: T. Lepage; Planner: P. Townes (By Phone)
GUESTS: Municipal Clerk: S. Fournier, Agent: L. Lefrancois, Applicant : N. Poirier

CALL TO ORDER

The Chair called the meeting to order at 1:00 p.m. There were two people in the audience. The Chair called the roll.

The Secretary-Treasurer read out the meeting procedures.

ADOPTION OF THE AGENDA

Adoption of the Agenda dated July 25, 2019

19-06

MOVED BY: B. Graham

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the agenda dated July 25, 2019 be adopted as presented.

CARRIED

ADOPTION OF THE MINUTES

Adoption of the Minutes from the April 25, 2019

19-07

MOVED BY: N. Brooker

SECONDED BY: B. Graham

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held April 25, 2019 be adopted presented.

CARRIED

DECLARATION OF CONFLICT OF INTEREST

None.

DEFERRED APPLICATIONS

None.

ADJOURNED APPLICATIONS

DRAFT COA Minutes held on July 25, 2019

None.

NEW APPLICATIONS

Application No. C-19-02

Applicant: Nicole Poirier

Property Location: 852 Tonomo Lake Road

THE PURPOSE of the application is: to sever a new lot on the subject lands. The retained and severed lots are proposed to be used for tourist commercial uses. The subject lands are currently 1.6 hectares (3.95 acres) in lot area and each of the proposed lots will be 0.8 hectares (1.98 acres). The proposed retained lot will contain three cabins and the proposed severed lot will contain a dwelling and accessory buildings. The subject lands are located within the Tourist Commercial (TC) Zone. The proposed lot layout is shown on the attached key maps.

P. Townes joined the meeting by phone at 1:09 p.m.

Presentation of the Application:

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated July 16, 2019, with the meeting package. P. Townes of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He explained that the site is located in the Marten River Neighbourhood, has an Official Plan (OP) designation of Integrated Management Area, and is Zoned Tourist Commercial. He explained that the proposed lot creation is in conformity, with the permitted uses in the OP, and there was no known natural heritage features or cultural heritage features identified on the property. He explained that a Zoning By-law Amendment is recommended, to comply with the lot standards and uses permitted in the zoning by-law. He further explained the proposed conditions outlined in the notice of decision, and that based on his review of the application, his recommendation to the Committee would be to grant, by way of, provisional consent.

Correspondence Included in the Packages

None.

Correspondence Received After Packages Were Compiled:

The Secretary-Treasurer read out the correspondence below:

- Correspondence from the Timiskaming Health Unit dated July 24, 2019 – No objections

Presentation of the Application by the Applicant/Agent:

The owner was present at the meeting and informed the Committee, as to why the severance was being requested. Clarification was sought regarding the condition of a zoning by-law amendment. P. Townes provided clarification regarding current zoning of the property, and when a new lot is created the property is severed into two; on the West side of the proposed severance the zoning will remain Tourist Commercial, and the East side of the proposed severance the main cabin will become the main residential dwelling.

Questions/Comments by other Property Owners:

None.

Questions/Comments by Committee of Adjustment Members:

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- Question regarding the locations of the current septic systems, as it is not shown on the sketch provided. P. Townes confirmed that a letter of confirmation was received from the health unit both units are serviced.
- Concern regarding existing septic system is too close to the lot line. P. Townes clarified that when the survey is being drafted, consideration of the setbacks from the septic system can be included in the drawing.
- Question if the applicant chose to maintain the proposed tourist commercial on the east what would be needed. P. Townes clarified that, with the application the retained lot was not proposed to remain tourist commercial.
- Comment regarding septic system, and if the proposed severed lot is serviced. Chair clarified that Timiskaming Health Unit does an inspection and ensures that the site is suitable for a septic system.
- Question regarding the understanding of the retained lot to maintain its tourism commercial zoning. Further question posed as to rezoning both lots as residential. The owner clarified that the severed lot will remain tourist commercial, as the new owners may wish to rent out the cabins. P. Townes clarified that the wording of the condition regarding the zoning bylaw amendment is general, and the desire is to maintain the zoning as such; it would be permitted, as long as, the standards of the zoning by-law can be met.
- Question regarding the lot size being too small, to maintain the tourism commercial zone.

Discussion/Decision by Committee Members:

The Committee members discussed the application and the following resolution was passed:
19-08

MOVED BY: B. Graham

SECONDED BY: N. Brooker

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Consent Application: C-19-02

Applicant: Nicole Poirier

Subject to the attached Notice of Decision

CARRIED

The notice of decision included the following conditions: The consent shall be granted subject to the following conditions:

1. Preparation of an updated Reference Plan, in substantial compliance with the application;
2. The completion of a Zoning By-law Amendment to address the intended use of the retained lands, and severed lands, and to ensure the retained lands and severed lands comply with the Zoning By-law;
3. Confirmation that the severed lands have a strip of lands, with a minimum width of 10 metres, and a minimum of 10 metres frontage on Wilson Lake Road/Tonomo Lake Road to accommodate a new driveway and access;
4. That the new driveway entrance be approved by the Public Works department of the Municipality;
5. That the Timiskaming Health Unit provide confirmation that the existing development on the severed lands (three cabins) is appropriately serviced (water supply and septic systems);

6. The Site Plan Agreement NO. SPC-08-17 be amended to reference the two lots with the Municipality of Temagami; and
7. That the standard conditions of the Municipality be met.

The reason cited for this decision was that the application for consent is consistent with the Provincial Policy Statement, conforms to the Official Plan and meets the general intent of the Zoning By-law. The Committee considered the comments made in coming to their decision.

Application No. MV-19-02

Applicant: John & Ronda Pecaric

Property Location: 16 Lake Temagami Island 1002

THE PURPOSE of the application is: to permit the construction of an addition to one of the existing sleep cabins on the subject property. The existing sleep cabin is located within the Shoreline Activity Area and is considered legal non-complying building, due to not meeting the minimum required setback from the shore. The subject property is located within the R1 Lake Temagami Zone.

THE EFFECT of the Application is to vary the following sections of the Zoning By-law:

- Section 6.28: To permit an expansion of a non-complying sleep cabin that is located within the Shoreline Activity Area. The sleep cabin has a current size of 30.5 square metres (328.3 square feet) and is proposed to be expanded to 44.53 square metres (479.3 square feet) which is an increase of 14.03 square metres (151.0 square feet). A deck is also proposed to be attached to the sleep cabin and is 17.52 square metres (188.6 square feet) in size.
- Section 6.40: To permit an increase in the maximum area of structures within the Shoreline Activity Area of 183 square metres (1,970 square feet) where 100 square metres (1076.4 square feet) is permitted.
- Section 7.4.2 Any Sleeping Cabin without both bathroom and kitchen facilities a): To permit an addition to an existing sleep cabin that is located 8 metres (26.2 feet) from the shore on the north side of the subject property, and 8 metres from the shore on the west side of the subject property. The minimum setback is 15 metres (49.2 feet) from the shore and the existing sleep cabin is located 9 metres (29.5 feet) from the shore on the west side of the subject property and 11 metres (36.1 feet) from the shore on the north side of the subject property.
- To permit a new deck attached to a sleeping cabin that is located 7 metres (23 feet) from the shore on the north side of the subject property.
- Section 7.4.2 The Lot g): To permit a total lot coverage of 11% where a maximum of 8% is permitted. The existing total lot coverage on the subject property is 9.2%. The total lot coverage is proposed to be increased by 1.8% and exceed the maximum by 3%.

Presentation of the Application:

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated July 16, 2019, with the meeting package. P. Townes of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He clarified for the Committee that the applicants are only requesting the variance to the sleep cabin with this application. He further explained that based on his review of the application, the application is consistent with the Provincial Policy Statement, conforms to the Official Plan (OP), and there was no known natural heritage features or cultural heritage features identified on the property. He further explained that the proposed location of the development is appropriate

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given the limiting factors of the size of the island and ensuring the character of the area is maintained, as per the zoning by-law. He further confirmed that a site visit hasn't been completed; however based on the review of the application the proposed variance seems to be minor, and that the proposed variance is in keeping, with the intent and character of the area. The proposed development can be considered desirable development for the subject property, as the development doesn't change the use of the land, and is compatible with the surrounding development of the area.

Correspondence Included in the Packages:

- Correspondence received from the Timiskaming Health Unit dated July 15, 2019 – no objections

Correspondence Received After Packages Were Compiled:

The Secretary-Treasurer read out the correspondence below:

- Correspondence received from P. Tamburro of Temagami Lakes Association dated July 24, 2019 – no objections

Presentation of the Application by the Applicant/Agent:

The agent L. Lefrancois was present at the meeting and informed the Committee, as to why the variance was being requested. He further explained that Bunkie is not clearly visible from the shoreline, and no shoreline vegetation will be removed. Two to three small cedars will be removed during the construction.

Questions/Comments by other Property Owners:

None.

Questions/Comments by Committee of Adjustment Members:

- Question regarding comments received from the Timiskaming Health Unit. The Chair read out the correspondence included in the package.
- Question regarding when a site visit was completed on this property from the Timiskaming Health Unit. Clarification was provided that a site visit was completed when the installation of the class 2 septic system.
- Question regarding the class 2 system is sufficient to sustain the proposed development.
- Question regarding the sketch as to the proposed expansion to the main cabin included on the drawing. P. Townes clarified that the applicant included the proposed expansion to the main cabin for a future proposed development.
- Question sketch does not display dimensions from the water's edge. P. Townes sketch was prepared by a surveyor, and sometimes hand drawn at times. Dimensions can be included in the Site Plan Sketch.
- Question sketch does not illustrate the shoreline activity area. P. Townes clarified that drawings are provided in hand drawn at times, this drawing was done by a surveyor, and that moving forward this item will be placed on the drawing. The Secretary-Treasurer clarified that due to the size of the island the shoreline activity area (SAA) wasn't demonstrated, as the entire development is within the SAA.
- Question posed as to what is the proposed development. The agent clarified that they are looking at tearing down the sleep cabin and rebuilding, while keeping the existing foot print of the current sleep cabin.

- Question posed regarding consultation with the Temagami First Nation. The Secretary-Treasurer clarified that the Temagami First Nation were advised, as part of, the public notice requirements on both the applications, and have received no comments.
- Comment regarding that the property is well vegetated, and that the proposed development cannot be seen, as the main cottage is very close to the water's edge.

Discussion/Decision by Committee Members:

The Committee members discussed the application and the following resolution was passed:
19-09

MOVED BY: N. Brooker

SECONDED BY: B. Graham

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-19-02

Applicant: John & Ronda Pecaric

Agent: Louis Lefrancois

Subject to the attached Notice of Decision

CARRIED

The notice of decision shall reflect that the variance shall be granted subject to the following conditions:

- Applicant enter into a site plan agreement with the Municipality of Temagami; and
- The variance apply to the location development proposed in the application sketch, excluding the addition to the cottage dwelling.

The reason cited for this decision was that the application satisfies the four test for a minor variance established in Section 45 of the *Planning Act*. The committee considered the comment made in coming to their decision.

ITEMS FOR INFORMATION

None.

NEXT MEETING DATE

Dependent on applications.

ADJOURNMENT

P. Townes was excused from the meeting at 2:10 p.m.

19-10

MOVED BY: B. Graham

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the July 25, 2019 Committee of Adjustment meeting be adjourned at 2:12p.m.

CARRIED

Prepared by: Tammy Lepage Secretary-Treasurer Committee of Adjustment

**The Corporation of the Municipality of
Temagami**

Application for Minor Variance



PLEASE READ BEFORE COMPLETING THIS APPLICATION

In addition to this form, the Applicant will be required to submit the appropriate fee, site plan, and any additional information required to assess the proposal. Failure to submit all of the required information may prevent or delay the consideration of the Application. If more space is required please use additional sheets.

OFFICE USE ONLY	
Date Received: <u>Aug 26/19.</u>	Intake Complete Application: <u>Aug 26/19.</u>
Application Number: <u>MV-19-03</u>	One copy of original sketch: <u>Yes.</u>
Fee \$ <u>600</u>	Fee Received on: <u>Aug 26/19</u>

Please Print and Complete or (✓) Appropriate Box (es)

SECTION 1 - APPLICANT INFORMATION	
1.1 Owner Information	
Name of Owner(s) <u>K. J. ALLEN INVESTMENTS INC</u>	
Home Telephone Number <u>705 497 9922</u>	Business Telephone Number <u>705 499 8009</u>
Fax Number	Email Address <u>Kenallen166@GMAIL.COM</u>
Mailing Address <u>166 SILVERLADY LAKE NORTH BAY, ON</u>	Postal Code <u>P1B 8G4</u>
If the owner is a corporation, please provide the name of the person who has the authority to bind the corporation and who will sign the legal agreement on behalf of the Corporation	
Name(s): <u>KENNETH ALLEN</u>	
Position(s): <u>PRESIDENT.</u>	
1.2 Agent Information (Who is making the application on behalf of the owner)	
Name of Agent / Contact Person:	
Home Telephone Number	Business Telephone Number

Fax Number	Email Address	
Mailing Address		Postal Code
1.3 Please specify to whom all communications should be sent ☐ Owner ☐ Agent ☐ Both Owner and Agent		
SECTION 2 – AUTHORIZATION		
2.1 If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.		
AUTHORIZATION OF OWNER(S) FOR AGENT TO MAKE THE APPLICATION & DISCLOSE OF PERSONAL INFORMATION		
I/WE, _____, owner(s) of the land that is subject to this application hereby authorize _____ to act on my/our behalf regarding this application and for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i> , I/We authorize _____ to make this application on my/our behalf.		
Signature of Owner(s)	Date	
Signature of Owner(s)	Date	
2.2 Consent of Owner – Complete the consent of the owner concerning personal information set out below		
CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION		
I/WE, <u>KENNETH J. ALLEN</u> , owner(s) of the land that is the subject of this application and for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56</i> , I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application and authorize the distribution of this application in electronic form.		
Signature of Owner(s)	Date	
Signature of Owner(s)	Date	

2.3 Consent of Owner – Site Visit

I/WE KENNETH ALLEN, owner(s) of the land that is the subject of this application and I/We authorize municipal staff and committee of adjustment members to enter onto the property to gather information necessary for assessing this application.

[Signature]
Signature of Owner(s)

Aug 26/19
Date

Signature of Owner(s)

Date

APPLICANT(S) ACKNOWLEDGEMENT

I/we acknowledge submission of this application does not necessarily mean that it is a **complete application**. I/we acknowledge that **photographic images** of the property and proposed development location are required as part of the application. The Municipality of Temagami may return the application to the applicant for failure to complete any part of the application form, failure to provide the required supporting documentation or failure to pay the application fee. I/we acknowledge that it is my/our responsibility to provide a complete and accurate application and that the Municipality of Temagami Staff is not permitted to complete the application on my/our behalf.

I/we acknowledge that this application, including all supporting documentation, shall be available to the general public upon request and shall be provided to the Committee of Adjustment members in its entirety.

I/we agree and acknowledge that I/we am/are responsible for all costs associated with third party Local Planning Appeal Tribunal (LPAT) appeals and municipal peer review of background reports, and shall submit the required deposits upon the Municipality's request for peer review in accordance with the Municipality's planning fees.

[Signature]
Signature of Applicant (s)

Aug 25, 2019
Date

KENNETH J. ALLEN
Print Name

SECTION 3 – LAND USE

3.1 Official Plan Designation Special Management Area

3.2 Zoning R1 Lake Temagami

SECTION 4 – DESCRIPTION OF THE PROJECT

4.1 Project Description

Provide details of the project.

ADDITION TO EXISTING COTTAGE + CONSTRUCT NEW BUNKIE

SECTION 5 – ZONING CONFORMITY

5.1 Explain which section of the Zoning By-law you are requesting relief from and why the project can't conform to the by-law.

MINIMUM DISTANCE FROM THE STORES

SECTION 6 – LOCATION OF THE SUBJECT LAND

6.1 Location of Land

Municipal Address

337-20 LAKE TEMAGAMI ISLAND 337
PARCEL 14842

Legal Description

6.2 Date the subject land was acquired by the current owner.

OCTOBER, 2016

SECTION 7 – DESCRIPTION OF SUBJECT LAND AND PROJECT

7.1 Description of any proposed buildings/structures

BUILDING ADDITION - CONNECTING LINE 8' x 10', ADDITION 14' x 24'
- SCREEN PORCH 10' x 12'
- BUILDING 12' x 14'

7.2 Property Information - Site

Lot Area: 16 ACRES (APPROX 26000 ft²)
Road Frontage: _____
Water Frontage: _____
Lot Depth: _____
Lot Width: _____

ISLAND
SEE SKETCH

7.3 Are there any easements or restrictive covenants affecting the subject land?

☒ No ☐ Yes If Yes, describe the easement or covenant and its effect _____

SECTION 8 – SERVICING INFORMATION

8.1 Check the appropria te Box	Provincial Highway	☐ No	☐ Yes	☒ N/A
	Municipal road - maintained all year	☐ No	☐ Yes	☒ N/A
	Municipal road - seasonally maintained	☐ No	☐ Yes	☒ N/A
	Other public road (e.g. LRB)	☐ No	☐ Yes	☒ N/A
	Right of way	☐ No	☐ Yes	☒ N/A
	Water access	☐ No	☒ Yes	☐ N/A
	Other (e.g. private road)	☐ No	☐ Yes	☒ N/A

SECTION 9- ACCESS TO SUBJECT LANDS

9.2 If checked **YES** that access to the property is by "water access", please provide which public access is used and how far from the docking and parking facilities is the property.

BOATLINE BAY MARINA APPROX 1.5mi

9.3 If checked **YES** that access to the property is by "private road", "other public road", or "right of way", indicate who owns the land or road, who is responsible for maintenance and if it is seasonal or maintained year round.

SECTION 10 – EXISTING USE I.E. VACANT, RESIDENTIAL LOTS

10.1 Existing use(s) of the subject land: **SEASONAL RESIDENTIAL**

10.2 How long has the existing use continued? **SINCE ACQUIRED 04 2016**

10.3 Existing use(s) of abutting (neighbouring) properties: **SEASONAL RESIDENTIAL**

SECTION 11 – EXISTING PARTICULARS OF ALL BUILDINGS AND STRUCTURES

11.1	Ground Floor Area	Gross Floor Area	No. of Stories	Width	Length	Height
CABIN	14x35 (490)	490ft ²	1	14'	35'	7' (EAVE)
SHED	6'x6' (36ft ²)	36ft ²	1	6'	6'	6'
0/HOUSE	3'x4' (12ft ²)	12ft ²	1	3'	4'	6'

11.2 Location of all buildings and structures (specify distance)

	Side Lot Lines	Rear Lot Lines	Front Lot Lines
CABIN	28'	36'	18'
SHED	26'		
0/HOUSE	44'	50'	
	Side Lot Lines	Rear Lot Lines	Front Lot Lines

SECTION 12 – PROPOSED USE & PROPOSED PARTICULARS OF ALL BUILDINGS AND STRUCTURES

12.1 Description of proposed use of subject land.

ADDITIONAL BEDROOMS, SCREEN PORCH, SLEEP CABIN

12.2	Ground Floor Area	Gross Floor Area	No. of Stories	Width	Length	Height
ADDITION	416	416	1	14'	24'	8'
SLEEP CABIN	168	168	1	12'	14'	7'
screened porch	120	120	—	10	12	—

12.3 Location of all proposed buildings and structures (Specify Distance)						
	Side Lot Lines	Rear Lot Lines	Front Lot Lines			
ADDITION						
	54'	40'	17'			
SECTION 13 – SERVICING INFORMATION						
13.1 Check All appropriate boxes.	Publicly owned and operated piped water system	☐ No	☐ Yes	☒ N/A		
	Privately owned and operated individual well	☐ No	☐ Yes	☒ N/A		
	Privately owned and operated communal well	☐ No	☐ Yes	☒ N/A		
	Lake or other water body	☐ No	☒ Yes	☐ N/A		
	Other	☐ No	☐ Yes	☒ N/A		
13.2 Check All appropriate boxes.	Publicly owned and operated sanitary sewage system	☐ No	☐ Yes	☒ N/A		
	Privately owned and operated individual septic tank	☐ No	☒ Yes	☐ N/A		
	Privately owned and operated communal septic system	☐ No	☐ Yes	☒ N/A		
	Privy	☐ No	☒ Yes	☐ N/A		
	If Other please explain: holding Tanks 2x 5000.					
A certificate of approval, or comments, from the local Health Unit or Ministry of the Environment and energy (MOEE) submitted with this application will facilitate the review.						
13.3 Storm Water Drainage		☒ No	☐ Yes	☐ N/A		
If YES Please explain i.e. culvert, ditches or other:						
13.4 Are any of the following uses or features on the subject land or within 500 meters of the subject land:						
Agriculture operation i.e. livestock facility or stockyard		☒ No	☐ Yes	☐ N/A		
Landfill		☒ No	☐ Yes	☐ N/A		
Sewage treatment plant or waste stabilisation plant provincial significant wetland (class 1,2,3)		☒ No	☐ Yes	☐ N/A		
Flood Plain		☒ No	☐ Yes	☐ N/A		

Rehabilitated mine site	☒ No	☐ Yes	☐ N/A
Non-Operating mine site within 1 km of the subject land	☒ No	☐ Yes	☐ N/A
Active Railway line	☒ No	☐ Yes	☐ N/A
Municipal/Federal Airport	☒ No	☐ Yes	☐ N/A
Utility Corridors	☒ No	☐ Yes	☐ N/A
Heritage building/structure/site?	☒ No	☐ Yes	☐ N/A

If Yes to any of the above, describe _____

SECTION 14 – PREVIOUS/CURRENT APPLICATIONS

14.1 Has the subject land ever been the subject of an application under the Planning Act?

☐ No ☐ Yes If Yes, describe _____ **UNKNOWN**

14.2 Aside from this application, is the subject land currently the subject of an application under the Planning Act?

☒ No ☐ Yes If Yes, describe _____

14.3 Is there any other information that you think may be useful to the Municipality in reviewing this application? If so, explain below or attach on a separate page

**PHOTOS ATTACHED OF PROPOSED SITE
(NATURALLY CLEAR AREA)**

SECTION 15 – CHECK LIST

Have you remembered to attach the following

- ☒ 1 copy of the completed application form
- ☒ 1 copy of the required sketch
- ☐ 1 copy of any required technical or justification study
- ☐ The required fee (cheque payable to the Municipality of Temagami)

SECTION 16 – AFFIDAVIT OR SWORN DECLARATION (to be completed by each owner)

I/WE,

KENNETH JAMES ALLEN

(full name)

of the

NORTH BAY, ONTARIO

(city, town)

in the

NISSING DISTRICT.

(region, county, district)

make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me

at the

CITY OF NORTH BAY

(city, town)

in the

DISTRICT OF NISSING

(region, county, district)

this

26th

day of

AUGUST

2019

(Commissioner) W. FERGUSON

Barrister and Solicitor

1/81A Cassells St.

North Bay, Ontario, P1B 4C6

Tel: (705) 476-7200

Fax: (705) 476-9311

Signature of Applicant *

*Must be signed in the presence of the Commissioner.

Please provide a separate affidavit if more than one applicant.

SITE PLAN REQUIREMENTS

The application shall be accompanied by 1 copy of a site plan showing the following:

Site Plan Requirements:

- ☐ The boundaries and dimensions of the subject land;
- ☒ The location, size, and type of all existing and proposed buildings and structures on the subject land, identifying which buildings and structures are existing and which are proposed. Also, indicating the distance of the buildings or structures from the front lot line, rear lot line, and the side lot lines;
- ☐ A description of the type of development;
- ☐ The location of any permitted outdoor storage, handling and processing areas;
- ☐ Identification of any abutting roads, and other relevant conditions on adjacent properties - such as land uses;
- ☐ Identification of any existing or proposed grading, drainage, utilities, lighting, easements, and significant features of the site (such as walls, fences, hedges, large trees, or other ground cover or facilities for the landscaping of the lands and any adjacent public streets);
- ☐ Vehicular areas, walkways, and pathways;
- ☐ If applicable, existing grades defined by contour lines or spot elevations;
- ☒ A Title Block which includes:
 - ☒ Identification of the proposed use of the site
 - ☒ Name and address of the person or organization submitting the site plan
 - ☒ Municipal address and legal description
 - ☒ Date prepared
 - ☒ Legend
 - ☒ Metric scale
 - ☒ Key plan indicating general location of the development with respect to the lake or street
 - ☒ North arrow
- ☐ Additional information for waterfront properties:
 - ☒ Show the 15 metre vegetative buffer from the high water mark; ➔
 - ☐ Within the 15 metre vegetative buffer (Shoreline Activity Area) show the following:
 - ☐ Meandering pathways or access points to the shoreline – no wider than 2 metres – constructed of permeable material;
 - ☐ Pruning of trees for ventilation clearing around buildings limited to 3 metres;
 - ☐ Pruning of trees for viewing corridor limited to 6 metres;
 - ☐ Removal of trees permitted for safety reasons – indicate which trees will be removed and which trees will be maintained
 - ☐ Existing and proposed structures



VIEW SHOWING THE ADDITION LOCATION
LOOKING EAST.



VIEW FROM THE ADDITION LOCATION
LOOKING NORTH.

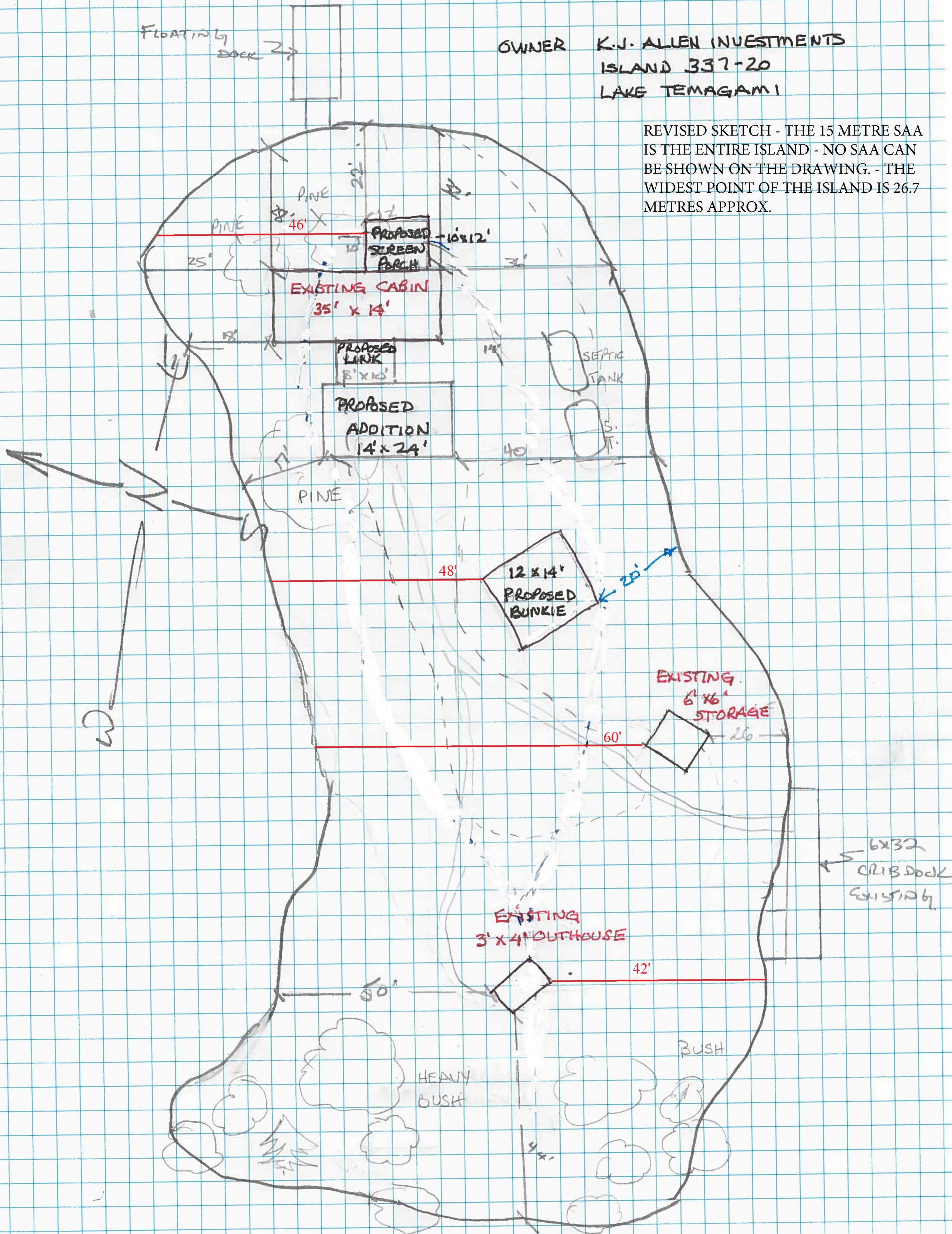


VIEW FROM THE DECK LOOKING SOUTH

FLOATING DOCK 2

OWNER K.J. ALLEN INVESTMENTS
ISLAND 337-20
LAKE TEMAGAMI

REVISED SKETCH - THE 15 METRE SAA IS THE ENTIRE ISLAND - NO SAA CAN BE SHOWN ON THE DRAWING. - THE WIDEST POINT OF THE ISLAND IS 26.7 METRES APPROX.



ISLAND SIZE: .6 ACRES - 24,000 sq ft

EXISTING BUILDINGS

14 x 35 = 490
6 x 6 = 36
4 x 3 = 12
538 sq ft

PROPOSED

PORCH 10 x 12 = 120
LINK 8 x 10 = 80
ADDITION 14 x 24 = 336
BUNKIE 12 x 14 = 168
704 sq ft

HEAVY BUSH MARKED BY DOTTED LINE ---
Entire Islands metre SAA
EXISTING BLDGS IN RED

PROPOSED BLDGS IN BLACK











Tammy Lepage

From: Wayne G. O'Shea <oifa@irishfield.on.ca>
Sent: September 12, 2019 12:46 PM
To: Tammy Lepage
Subject: Re: Notice of Public Hearing - MV-19-03

You can put it in as a comment of support if you so wish!

Thanks,
Wayne

> -----Original Message-----

> From: Wayne G. O'Shea [mailto:oifa@irishfield.on.ca]

> Sent: September 12, 2019 9:48 AM

> To: Tammy Lepage <planning@temagami.ca>

> Subject: Re: Notice of Public Hearing - MV-19-03

>

When your Island is only 50 feet wide it's hard not to be in the SAA..

> lol

>

> They own it, they should be able to build what they want. I see percentage of property coverage isn't a variance issue so suspect that must be okay.

>

Thanks,

> Wayne

>

Tammy Lepage

From: John Dickinson <dickinsonj@timiskaminghu.com>
Sent: September 17, 2019 8:22 AM
To: Tammy Lepage
Subject: RE: MV-19-03 - Notice of Public Hearing

Good Morning Tammy

In regards to Minor Variance Application NO. MV-19-03 KJ Allan Investment Inc. 20 Lake Temagami Island 337 Joan Island Parcel 14842 Roll 4869-760-001-00200-0000.

This property septic is serviced by two 5000 liter septic holding tanks under permit # 98-79838. The Timiskaming health unit has no objection to the proposal as long as the minimum setbacks in part 8.2.1.6.c. of the building code are maintained.

From: Tammy Lepage [mailto:planning@temagami.ca]
Sent: September-12-19 9:24 AM
To: John Dickinson <dickinsonj@timiskaminghu.com>
Subject: MV-19-03 - Notice of Public Hearing

Good morning John,

Please see the attached Notice of Public Hearing for MV-19-03.

I'm asking if the Timiskaming Health Unit has any concerns on this application.

If you require further details on the application, please don't hesitate to contact me.

Sincerely,

Tammy Lepage, Planning Clerk
7 Lakeshore Drive
P.O. Box 220
Temagami, ON P0H 2H0
Phone: 705-569-3421 Ext. 210
Fax: 705-569-2834
Email: planning@temagami.ca



Municipality of Temagami

MINOR VARIANCE APPLICATION PLANNING CLERK REPORT

Report Date: | September 17, 2019

REPORT PREPARED FOR:	COMMITTEE OF ADJUSTMENT
REPORT PREPARED BY:	T. LEPAGE, PLANNING CLERK
REPORT REVIEWED BY:	J. ROBINSON, MCIP, RPP MHBC, PLANNING CONSULTANT
APPLICATION NO.:	MV-19-03
DATE OF NOTICE OF HEARING:	September 12, 2019
DATE OF HEARING:	September 26, 2019
SUBJECT LAND:	20 Lake Temagami Island 337
APPLICANT:	K.J. Allen Investments Inc.



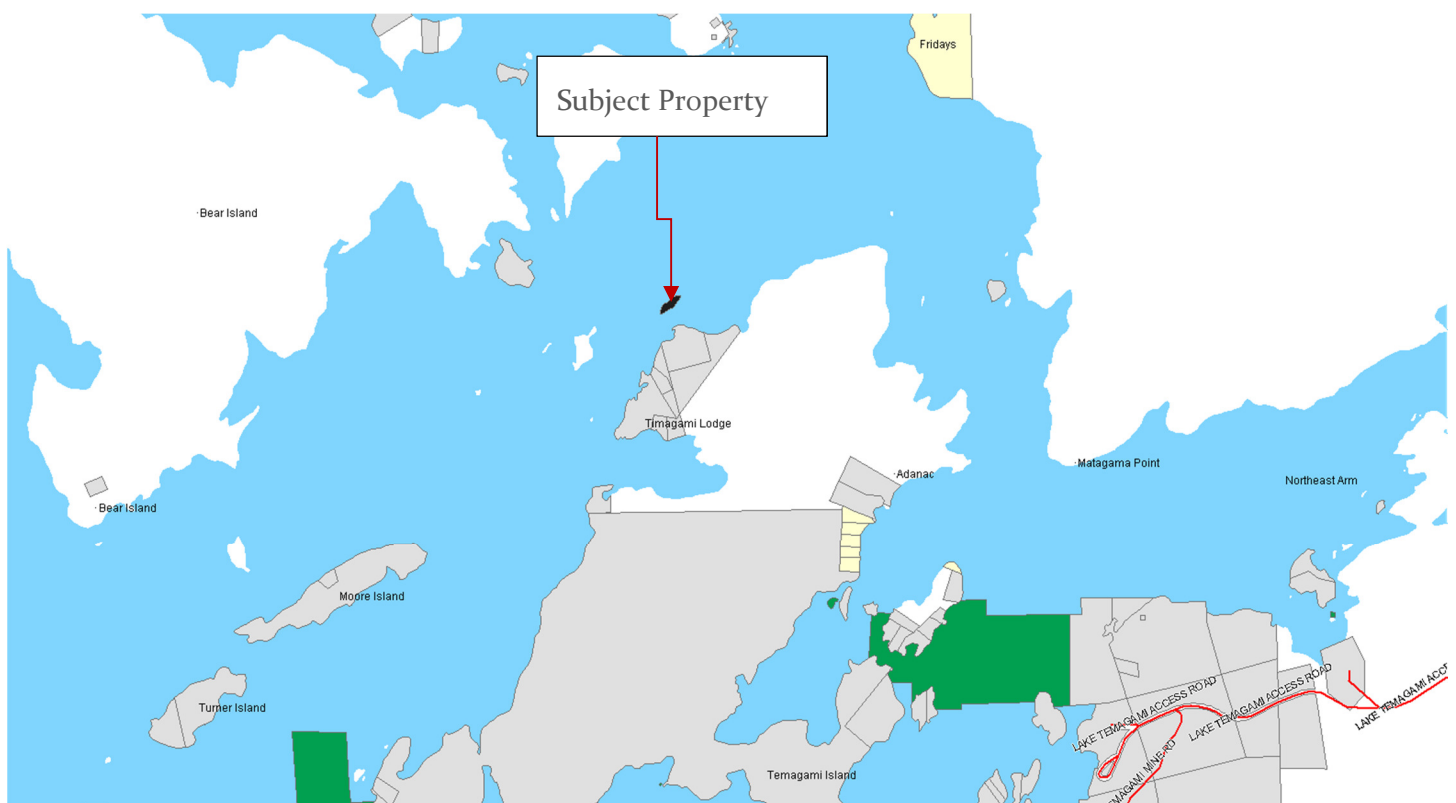
APPLICATION REVIEW

The intake review of the application was deemed complete on August 26, 2019. Notice of the Public Hearing was given by circulating prescribed persons and agencies, posting at the Lake Temagami Access Point landing, and postings on the Municipality's website & Welcome Centre notice board on September 12, 2019. Notice of the application was also provided to the Temagami First Nation, prior to completing the required circulation under the Planning Act.

BACKGROUND

K.J. Allen Investments Inc. have submitted an application for a Minor Variance to permit an addition to an existing legal-non complying cottage, including a screened porch. The application also includes a proposed sleep cabin. The subject property is located at 20 Lake Temagami Island 337, within the Municipality of Temagami. The subject property is located within the Lake Temagami Neighbourhood and is designated Special Management Area. The subject property is shown in black on Figure 1.

Figure 1: Subject Property



PROPOSAL

The purpose of the application is to facilitate the construction of an addition to a legal-non complying cottage and the construction of a sleep cabin on the subject property. The cottage (shown on Figure 2) is currently 45.5 square metres (490 square feet) in size. The proposed addition to the west of the existing cottage is 39 square metres (416 square feet) and the proposed screened porch is 11 square metres (120 square feet) located to the east of the existing cottage. Combined, the total addition to the existing cottage is 50 square metres (538.2 square feet), and the proposed cottage totals 95.5 square metres (1,028 square feet) in size. The proposed sleep cabin is 15.5 square metres (168 square feet) in size. The existing cottage and the proposed development on the subject property is illustrated in Figure 2.

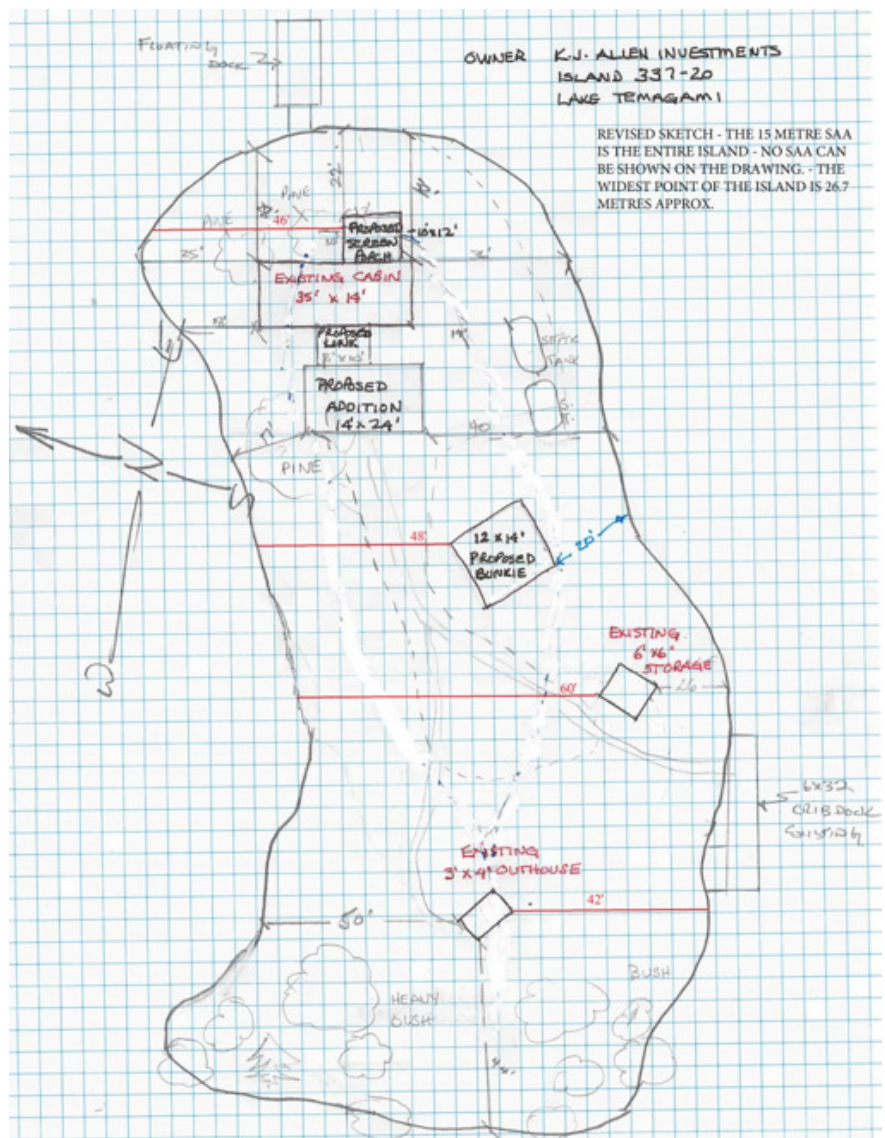
Figure 2: Sketch of Development

The subject property is designated Special Management Area in the Lake Temagami Neighbourhood of the Official Plan of the Corporation of the Municipality of Temagami and is zoned Remote Residential (R1) - Lake Temagami in the Municipality of Temagami Zoning By-law 06-650.

SITE ANALYSIS

The subject property is 2,424 square metres in lot area and is developed with a cottage and accessory uses. Adjacent properties are shown on Figure 1 at the setback distances below.

- North – 618 metres
- East – 1.2 Kilometres
- South – 113 metres
- West – 329 metres



The subject property currently includes the following buildings and structures:

- Cottage – 45.5 square metres;
- Storage Shed – 3.3 square metres;
- Outhouse – 1 square metre;
- Two septic holding tanks;
- Floating dock
- Crib dock

PLANNING ANALYSIS

The Committee needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a minor variance set out in the *Planning Act*. Based on the information provided in the application, we can provide the Committee with planning information to assist the Committee with their decision.

Table 1 provides a comparison of the applicable Zoning By-law performance standards for the development of the proposed addition to the cottage and sleep cabin.

Table 1: Applicable Zoning Standards Section 7.4.2 Remote Residential (R1) Zone.

<u>Zone Provisions</u>	<u>Required Standard</u>	<u>Proposed</u>
Minimum distance from the shore	15 m	Cottage – 5 metres to the north shoreline Cottage – 6.5 metres to the east shoreline Cottage – 11 metres to the south shoreline Sleep Cabin – 6 metres
Maximum Area of Structures Within the Shoreline Activity Area	100 m ²	117 m ²

Lot Coverage (max.)	8%	5 %
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The Proposed Variance

To facilitate the proposed development, the applicant requires a variance to the following sections of the Zoning by-law.

Section 6.28:

- To permit an expansion of a non-complying cottage that is located within the SAA. The cottage has a current size of 45.5 square metres (490 square feet) and is proposed to be expanded to 95.5 square metres (1,028 square feet) which is an increase of 50.0 square metres (536 square feet). The expansion includes the addition and the screened porch.

Section 7.4.2 Any Dwelling Unit a)

- To permit the additions to the existing cottage with minimum distances from the shoreline of 5 metres from the north shoreline of the subject property, 6.5 metres from the east shoreline of the subject property, and 11 metres from the south shoreline of the subject property. The existing cottage is located 5.5 metres from the shore at the closest point, on the north shore of the subject property.

Section 6.40:

- To permit an increase in the maximum area of structures within the Shoreline Activity Area to 117.0 square metres (1,259 square feet) where a maximum of 100 square metres (1,076 square feet) is permitted.

Section 7.4.2 Any Sleeping Cabin without both bathroom and kitchen facilities a):

- To permit a sleep cabin that is located 6 metres (20 feet) from the shoreline on the south side of the subject property where a minimum setback of 15 metres (49 feet) is permitted.

The Four Tests of a Minor Variance

In considering this application, the Committee needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a minor variance as set out in Section 45 (1) in the *Planning Act*. The Municipal Law Enforcement Officer, have had the opportunity to visit the site on September 5, 2019, municipal staff have no objections to the proposed additions with respect to the four tests of minor variances. However, based on the information

provided in the application package, we can provide the Committee with planning information to assist the Committee with their decision.

Information pertaining to Section 45(1), the four tests of a minor variance, is as follows:

1) Is the variance in-keeping with the intent of the Official Plan?

The subject property is located within the Lake Temagami Neighbourhood and is designated Special Management Area by the Municipality of Temagami's Official Plan.

Section 2.14 "Cultural Heritage Features" and Section 9.24 "Complete Application" were reviewed in the pre-consultation phase as there is one known archaeological site approximately 619 metres away at the closest point from the subject property. The proposed additions does not require ground disturbance, and otherwise contains existing development. Staff therefore do not recommend that an Archaeological Assessment be required in support of the proposed addition and sleep cabin.

Section 2.17 of the Official Plan contains policies which guide development on waterfront properties. This policy promotes the retention of vegetative buffers to screen development from the shoreline. The existing cottage is located 5.5 metres (18 feet) from the closest point to the shoreline (the northern shoreline). Given the location of the existing legal non-complying cottage, there is limited opportunity to provide for additions that do not further encroach into the required setback from the shoreline. Furthermore, due to the narrow shape of the subject property, the entire subject property is located within the Shoreline Activity Area (SAA).

Section 5.2.1 provides direction to the land use in the Lake Temagami Neighbourhood and provides the following goals:

- To ensure the protection of visual aesthetics;
- To protect the wilderness and semi-wilderness values; and
- To preserve the natural environment.

The shoreline of the subject property appears to contain vegetation and trees as shown in the photographs submitted with the application. The existing cottage can be viewed from the lake from some views. From the drawing provided with the application, it appears as though the trees along the shoreline are not required to be removed. The addition to the west of the existing cottage does slightly encroach further to the shoreline than the existing setback, however at this location, the existing trees appear to screen the location of this addition. The development as proposed would achieve the goals outlined in 5.2.1 by maintaining the aesthetic and natural features of the

subject property given the proposal is not anticipated to negatively impact the vegetation along the shoreline.

The size of the existing cottage is modest, as are the proposed additions sleep cabin. The maximum area for buildings and structures within the SAA is exceeded as a result of this application, however the overall lot coverage for the subject property is still below what is permitted. The shape of the subject property and the location of the SAA results in all the development being located within 15 metres of the shoreline. The proposed sleep cabin appears to be sited in a location that will be screened from view from the lake. The sleep cabin is 15.6 square metres in size, and a sleep cabin is permitted to be a size of 72 square metres. The sleep cabin has no kitchen or bathroom facilities.

The Timiskaming Health Unit provided comments are confirmed the propose development can be appropriately serviced via the existing septic holding tanks.

Section 5.3.2 of the Official Plan provides that a broad range of uses, including residential uses, accessory uses such as boat houses, docks and storage sheds, sleep cabins, are permitted within the Lake Temagami Neighbourhood. The proposed additions and sleep cabin are considered permitted uses within the Lake Temagami Neighbourhood.

As per Section 9.6.5 of the Official Plan, the Temagami First Nation are to be circulated and notified of all planning and pre-consultation applications proposed within the Municipality of Temagami. The Temagami First Nation was circulated on this application in advance of the statutory timelines.

Based on a review of the policies of the Official Plan, the proposed variances are in-keeping with the intent of the Official Plan.

2) Is the variance in keeping with the intent of the Zoning By-law?

The subject property is located within the Remote Residential (R₁) Zone (Lake Temagami) of the Municipality's Zoning By-law 06-650. The proposed variances seek permission to construct additions to the existing cottage and to construct a new sleep cabin.

Section 6.28 is proposed to be varied to permit the expansion of a legal non-complying seasonal dwelling that is located within the SAA. The proposed additions total 50 square metres (538.2 square feet) and the existing cottage is proposed to be increased to a total of 95.5 square metres (1028 square feet). The proposed cottage is proposed to

be located 5 metres from the north shoreline of the subject property, 6.5 metres from the east shoreline of the subject property, and 11 metres from the south shoreline of the subject property. The location of the existing cottage and the narrow shape of the subject property result in the need to construct the additions within the required setback.

The addition to the east is reducing the existing setback to 6.5 metres, the addition to the west is reducing the setback to the 5 metres, and the addition to the east is located 11 metres from the shoreline (not reducing the existing setback at this location). The only location where the cottage is getting closer to the shoreline than any existing setback is the north portion of the subject property (approximately 0.3 metres or 1 foot). This location contains vegetation along the shoreline and will be screen from view from the lake.

The provisions for a minimum shoreline setback of 15 metres within the SAA is intended to preserve the character of the Lake Temagami shoreline and to enable an area for vegetation between development and the shoreline. Existing vegetation will be maintained between the proposed additions and the sleep cabin. From the photos provided in the application, the proposed sleep cabin will be screened from view from the lake, and be located 6 metres from the shoreline. Provided vegetation is maintained within the shoreline area, the reduced setbacks and the development within the SAA would appear not to impact the character of the area.

Section 6.40 of the Zoning By-law is proposed to be varied as the additions to the cottage and development of a sleep cabin would increase the SAA coverage to 117 square metres where a maximum of 100 square metres is permitted. The purpose of this provision is to limit the built footprint within proximity to the shoreline in order to ensure that semi-wilderness values predominate. The proposed additions to the existing cottage are setback from the shoreline as much as possible, considered the narrow shape of the subject property. The proposed sleep cabin is located 6 metres from the shoreline but appears to be in a location that will be screened from view from the lake. The maximum coverage for buildings and structures within the SAA in this instance is exceeded, however the total lot coverage is 5% where a maximum of 8% is permitted. The amount and scale of development would appear to be appropriate for the size of the subject property.

Section 7.4.2 Any Sleeping Cabin without bathroom and kitchen a) is proposed to be varied to permit a sleep cabin that is located approximately 6 metres from the shore, where a setback of 15 metres is required. The required minimum distance from the shore is to ensure adequate setbacks of buildings from the shoreline to avoid erosion hazards,

to maintain the natural character of the area, and to ensure that there is an area for vegetation between development and the shoreline. As discussed, the location of the proposed sleep cabin appears to be screened from views from the lake. Given the narrow shape of the subject property, there is no opportunity for the sleep cabin to be located beyond 15 metres from the shore.

Based on a review of the regulations of the Zoning By-law, the proposed variances are in-keeping with the intent of the Zoning By-law.

3) Will the variance provide for the desirable development of the land?

The subject property is designated, zoned and presently used for residential purposes. The proposed variances would not change the existing land use and would facilitate the enlargement of an existing cottage and the development of a sleep cabin. The proposed additions and sleep cabin appear to be buffered from the lake by areas of existing vegetation and will not impact views from surrounding properties. The height is not proposed to be increased. The proposed variance is desirable.

4) Is the variance minor?

Staff are unable to definitively confirm whether the proposed variances are minor without conducting a site visit. Given the vegetation on the subject property as evident in the photos provided in the application, the varied minimum shoreline setbacks and maximum development within the SAA proposed would appear to be minor in nature. Further, the proposed development as a whole on the subject property is below the permitted maximum lot coverage. Based on the information presented in the application package and our review, the proposed variances appear to be minor in nature.

RECOMMENDATIONS

Based on the review of Application No. MV-19-03, the proposed application meets the intent of the Official Plan, the intent of the Zoning By-law, is desirable, and appears to be minor. It is recommended that the variance be approved subject to the following conditions:

1. That the variance apply to the location of development proposed in the application sketch; and
2. That the applicant be required to enter into A Site Plan Control Agreement with the Municipality of Temagami, to be registered on title.

COMMENTS RECEIVED FROM AGENCY CIRCULATION AND PUBLIC NOTIFICATION:

Municipal Departments:

Public Works:

Building & Municipal Law Enforcement Officer: no objections

Tax:

Fire:

Ambulance:

Ministry & Agencies:

Ministry of Natural Resources and Forestry:

Timiskaming Health Unit: Comment received September 17, 2019, no objections, as long as, the minimum setbacks in part 8.2.1.6.c. of the Building Code are maintained.

First Nation Community:

Interest Groups & Neighbours:

Comment received from Wayne O'Shea dated September 12, 2019 – no objections



NOTICE OF DECISION

MINOR VARIANCE

1. Application No.: **MV-19-03**
2. Applicant/ Owners: **K.J. Allen Investment Inc.**
3. Date of Hearing: **September 26, 2019**
4. Date of Decision: **September 26, 2019**
5. Date of Notice of Application: **September 12, 2019**
6. Zoning: **Remote Residential (R1) - Lake Temagami**
7. Designation: **Special Management Area (Lake Temagami Neighbourhood)**
8. Location and Legal Description of Subject Lands: **20 Lake Temagami Island 337;
PCL14842 SEC NIP SUMMER RESORT LOCATION ISLAND 337 IN LAKE
TEMAGAMI UNSURVEYED TERRITORY IN THE TEMAGAMI PROVINCIAL
FOREST; TEMAGAMI; DISTRICT OF NIPISSING**

9. Decision

This is an application made under section 45 of the Planning Act RSO 1990, to permit:

- a) The expansion of a non-complying cottage. The cottage has a current size of 45.5 square metres and is proposed to be expanded to 95.5 square metres; an increase of 50 square metres. (Section 6.28);
- b) An increase in the maximum area of buildings and structures with the Shoreline Activity Area of 117 m² where 100 m² is permitted (Section 6.40);
- c) Additions to the existing cottage that are located 5 metres from the north shoreline of the subject property, 6.5 metres from the east shoreline of the subject property, and 11 metres from the south shoreline of the subject property. (Section 7.4.2 Any Dwelling Unit a));
- d) A sleeping cabin located 6 metres from the southern shoreline of the subject property (Section 7.4.2 Any Sleeping Cabin without both bathroom and kitchen facilities a)).

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT THE
REQUEST BE:**

- ☐ Approved subject to no conditions
- ☐ Refused
- ☐ Deferred
- ☐ Adjourned

☐ Approved subject to the following conditions:

- i. That the applicant enter into a site plan agreement with the Municipality of Temagami; and
- ii. That the variances apply to the location of development proposed in the application sketch.

10. Reasons:

The Committee of Adjustment has reviewed this application in accordance with the *Planning Act* and has made its decisions for the following reasons:

The decision satisfies the four test for a minor variance established in Section 45 of the *Planning Act* as outlined in the planning report dated September 17, 2019.

11. Comments received in writing and verbally at the meeting related to:

Comments received by: Wayne O'Shea - no objections

Comments received by: Timiskaming Health Unit – no objections as long as the minimum setbacks in part 8.2.1.6c. of the Building Code are maintained.

12. The comments received had the following effect on the decision:

- a) The committee considered the application in coming to their decision.

Concur in the decision:

Cathy Dwyer, Chair

Barry Graham, Member

Bruce Rice, Member

Absent
Gary Cline, Member

Ken Ballentine, Member

Nicole Brooker, Member

13. Notice for Last Day of Appeal

The last day for appealing this decision to the Local Planning Appeal Tribunal is **October 17, 2019**. The notice of appeal should be sent to the Municipality of Temagami. It must, (1) set out the reasons for the appeal, and (2) be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of **\$300.00**, payable to the Minister of Finance, Province of Ontario.

Only individuals, corporations or public bodies may appeal decisions in respect of applications for Minor Variances to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

Section 45 (14) of the Planning Act states that, “[i]f within 20 days no notice of appeal is given, the decision of the committee is final and binding.”

Certified by:

Tammy Lepage, Planning Clerk, Secretary-Treasurer, Committee of Adjustment



MV-19-03

Applicants: K.J. Allen Investments Inc. - 20 Lake Temagami Island 337

DATE: September 26, 2019



Purpose and Effect of the Application

The Effect of the application is:

1. To permit an expansion of a non-complying cottage that is located within the SAA. The cottage has a current size of 45.5 square metres (490 square feet) and is proposed to be expanded to 95.5 square metres (1026 square feet) which is an increase of 50 square metres (536 square feet). (S.6.28).
2. To permit the additions to the existing cottage with minimum distances from the shoreline of 5 metres from the north shoreline of the subject property, 6.5 metres from the east shoreline of the subject property, and 11 metres from the south shoreline of the subject property. (S.7.4.2 a) Any Dwelling Unit)
3. To permit an increase in the maximum area of structures within the Shoreline Activity Area of 117 square metres (1,259 square feet) where 100 square metres (1,076 square feet) is permitted. (S.6.40)
4. To permit a sleep cabin that is located 6 metres (20 feet) from the shore on the southside of the subject property. The minimum setback is 15 metres (49.2 feet) (S. 7.4.2 (a) Sleep Cabin)

Zoning Provisions

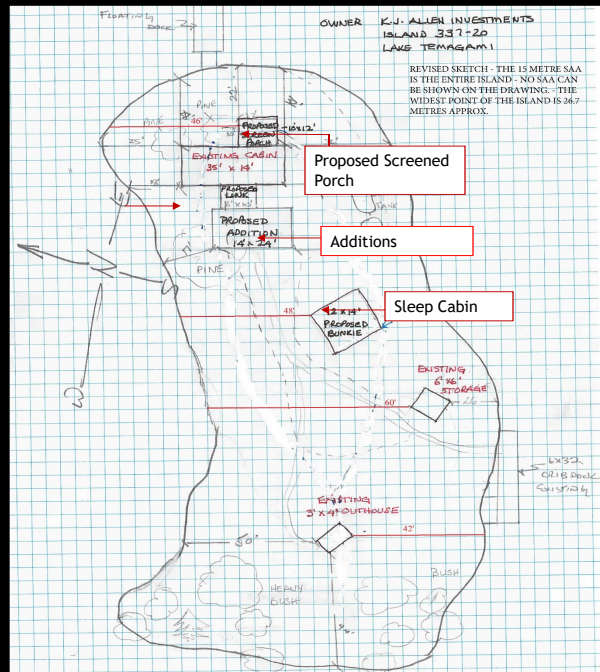
Zone Provisions	Required Standard	Proposed
Minimum distance from the shore	15.0 m	Cottage - 5 metres to the north shoreline Cottage - 6.5 metres to the east shoreline Cottage - 11 metres to the south shoreline Sleep Cabin - 6 metres
Shoreline Activity Area	100 m ²	117 m ²
Lot Coverage (max.)	8%	5%

Photos of the Area





Site Plan Sketch



THE FOUR TESTS OF A VARIANCE

In-keeping with the intent of the Official Plan

- Section 2.17 - Includes policies that promote preservation of vegetative buffers and screening from shorelines.
- Section 5.2.1 - References the goals of the Lake Temagami Neighbourhood:
 - To preserve the natural environment;
 - To protect the wilderness and semi-wilderness values; and,
 - To ensure the protection of visual aesthetics.
- Section 5.3.2 - Permits residential uses, including accessory uses, within the Lake Temagami Neighbourhood.

In-Keeping with the intent of the Zoning By-Law

- The intent of Zoning By-law Sections:
 - 6.28,
 - 6.40,
 - 7.4.2 Dwelling Unit a)
 - 7.4.2 Sleep Cabin without both bathroom and kitchen facilities a)
- Limit expansion to non-complying buildings
- Maintain an appropriate setback for development to the shoreline.
- Protection vegetation areas adjacent to shoreline.
- The intent of the above provisions is also to implement the goals of the Official Plan including protection of the wilderness and semi-wilderness values.

Will the variance provide for the desirable development of the land?

- The test of desirability is one that relates to the public interest. For the Lake Temagami Neighbourhood, the Official Plan establishes that it is important to protect the semi-wilderness values of Lake Temagami.
- The additions are to an existing structure and sleep cabin are common to an island property.

Is the Variance Minor?

- An overall review and conclusion based on the three previous test, the variance appears to be minor in nature.

Conclusion

- Based on the review of Application No. MV-19-03, the proposed application meets the intent of the Official Plan, the intent of the Zoning By-law, is desirable, and appears to be minor in nature.
- It is recommended that the variance be subject to the following conditions:
 - That the variance apply to the location of the development proposed in the application sketch ; and
 - The application be required to enter into a Site Plan Agreement with the Municipality.

Thank You

