



# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI COMMITTEE OF ADJUSTMENT

## AGENDA

Thursday, January 30, 2020, 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**  
Secretary-Treasurer to read out the meeting procedures.
2. **ADOPTION OF THE AGENDA** 1
- 2.1 **Adoption of the Agenda dated January 30, 2020**  
Draft Motion:  
BE IT RESOLVED THAT the agenda dated January 30, 2020 be adopted as presented.
3. **ADOPTION OF THE MINUTES**
- 3.1 **Adoption of the Minutes from the September 26, 2019 meeting.** 3  
Draft Motion:  
BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held September 26, 2019 be adopted presented.
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **DEFERRED APPLICATIONS**
  - **C-19-01 - Krygsman**
    - C-19-01 - Krysgman Consent application deferred until a Stage 2 archaeological assessment is completed.
  - **C-19-03 in conjunction with MV-19-04 - Carswell/Amyotte**
    - Awaiting on the revised sketch.
  - **MV-19-03 - Allen**
    - Awaiting on Stage 2 archaeological assessment to be completed
  - **MHBC - Update provided under Items for Discussion.**
6. **ADJOURNED APPLICATIONS**
7. **NEW APPLICATIONS**
- 7.1 **Application No. MV-20-01- Wolstenholme** 7

Applicant: Karen Beauchamp, Clearwater Planning Inc on behalf of Robert & Lynne Wolstenholme

Property Location: 61 Rattler Road

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**THE PURPOSE of the Application is:**

To permit an addition to the existing dwelling to increase the amount of living room space. The proposed addition is located over an existing deck on the east side of the cottage. The location existing deck and the proposed addition do not meet the minimum distance from the shore for any dwelling unit within the Remote Residential (R2) Zone; and also do not meet the minimum side yard for any dwelling unit within the R2 Zone.

Section 7.5.2 a) of the Zoning By-law requires a minimum distance from shore for any dwelling unit of 15.0 metres; and Section 7.5.2 c) requires a minimum side yard of 5.0 metres. The existing deck and the proposed addition are located 12.2 metres from the shore, and 1.4 metres from the eastern side lot line.

Variances are proposed to Section 7.5.2 a) of the Zoning By-law to reduce the minimum distance for any dwelling unit from the shore by 2.8 metres (12.2 metres is proposed and 15.0 metres is required), and to Section 7.5.2 c) to reduce the minimum side yard by 3.6 metres (1.4 metres is proposed and 5.0 metres required).

**THE EFFECT of the Application is:**

To permit an addition to the existing dwelling to increase the amount of living space, having a setback of 12.2 from the shore and a setback of 1.4 metres from the side lot line.

Draft Motion:

BE IT RESOLVED THAT

The Committee of Adjustment: Grants Refuses Deferrers

Minor Variance Application: MV-20-01

Applicant: Karen Beauchamp on behalf of Robert & Lynne Wolstenholme

Subject to the attached Notice of Decision

**8. ITEMS FOR DISCUSSION**

68

- Temagami First Nation pre-consultation process
- Determination of studies as part of a complete application
- Pre-consultation timelines for applications

**9. NEXT MEETING DATE**

**10. ADJOURNMENT**

Draft Motion:

BE IT RESOLVED THAT the January 30, 2020 Committee of Adjustment meeting be adjourned at p.m.



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

**AGENDA**

**Thursday, January 30, 2020, 1:00 P.M.  
Main Level Chambers**

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**1. CALL TO ORDER**

**1.1 MEETING PROCEDURES**

Secretary-Treasurer to read out the meeting procedures.

**2. ADOPTION OF THE AGENDA**

**2.1 Adoption of the Agenda dated January 30, 2020**

Draft Motion:

BE IT RESOLVED THAT the agenda dated January 30, 2020 be adopted as presented.

**3. ADOPTION OF THE MINUTES**

**3.1 Adoption of the Minutes from the September 26, 2019 meeting.**

Draft Motion:

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held September 26, 2019 be adopted presented.

**4. DECLARATION OF CONFLICT OF INTEREST**

**5. DEFERRED APPLICATIONS**

- **C-19-01 - Krygsman**
  - C-19-01 - Krysgman Consent application deferred until a Stage 2 archaeological assessment is completed.
- **C-19-03 in conjunction with MV-19-04 - Carswell/Amyotte**
  - Awaiting on the revised sketch.
- **MV-19-03 - Allen**
  - Awaiting on Stage 2 archaeological assessment to be completed
- **MHBC - Update provided under Items for Discussion.**

**6. ADJOURNED APPLICATIONS**

**7. NEW APPLICATIONS**

**7.1 Application No. MV-20-01- Wolstenholme**

Applicant: Karen Beauchamp, Clearwater Planning Inc on behalf of Robert & Lynne Wolstenholme

Property Location: 61 Rattler Road

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**THE PURPOSE of the Application is:**

To permit an addition to the existing dwelling to increase the amount of living room space. The proposed addition is located over an existing deck on the east side of the cottage. The location existing deck and the proposed addition do not meet the minimum distance from the shore for any dwelling unit within the Remote Residential (R2) Zone; and also do not meet the minimum side yard for any dwelling unit within the R2 Zone.

Section 7.5.2 a) of the Zoning By-law requires a minimum distance from shore for any dwelling unit of 15.0 metres; and Section 7.5.2 c) requires a minimum side yard of 5.0 metres. The existing deck and the proposed addition are located 12.2 metres from the shore, and 1.4 metres from the eastern side lot line.

Variances are proposed to Section 7.5.2 a) of the Zoning By-law to reduce the minimum distance for any dwelling unit from the shore by 2.8 metres (12.2 metres is proposed and 15.0 metres is required), and to Section 7.5.2 c) to reduce the minimum side yard by 3.6 metres (1.4 metres is proposed and 5.0 metres required).

**THE EFFECT of the Application is:**

To permit an addition to the existing dwelling to increase the amount of living space, having a setback of 12.2 from the shore and a setback of 1.4 metres from the side lot line.

Draft Motion:

BE IT RESOLVED THAT

The Committee of Adjustment: Grants Refuses Deferrers

Minor Variance Application: MV-20-01

Applicant: Karen Beauchamp on behalf of Robert & Lynne Wolstenholme

Subject to the attached Notice of Decision

**8. ITEMS FOR DISCUSSION**

- Temagami First Nation pre-consultation process
- Determination of studies as part of a complete application
- Pre-consultation timelines for applications

**9. NEXT MEETING DATE**

**10. ADJOURNMENT**

Draft Motion:

BE IT RESOLVED THAT the January 30, 2020 Committee of Adjustment meeting be adjourned at p.m.



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

**September 26, 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 Chair, B. Rice, B. Graham  
**ABSENT:** N. Brooker (With Notice), G. Cline (With Notice), and K. Ballentine (With Notice)  
**STAFF:** Secretary-Treasurer: T. Lepage; Planner: J. Robinson (By Phone)

**CALL TO ORDER**

The Chair called the meeting to order at 1:00 p.m. There were no members in the audience, and the Chair called the roll.

**MEETING PROCEDURES**

The Secretary-Treasurer read out the meeting procedures.

**ADOPTION OF THE AGENDA**

**Adoption of the Agenda dated September 26, 2019**  
19-11

**MOVED BY:** B. Graham

**SECONDED BY:** B. Rice

**BE IT RESOLVED THAT** the agenda dated September 26, 2019 be adopted as presented.

**CARRIED**

**ADOPTION OF THE MINUTES**

**Adoption of the Minutes from the July 25, 2019 meeting.**  
19-12

**MOVED BY:** B. Rice

**SECONDED BY:** B. Graham

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

**CARRIED**

**DECLARATION OF CONFLICT OF INTEREST**

None.

**DEFERRED APPLICATIONS**

**C-19-01 – Krygsman;** deferred application until an archaeological assessment is completed.

The Secretary-Treasurer provided an update regarding the deferred consent application no. C-19-01, and that a Stage 2 is being completed.

### **ADJOURNED APPLICATIONS**

None.

### **NEW APPLICATIONS**

#### **Application No. MV-19-03**

Applicant: K. J. Allen Investment Inc.

Property Location: 20 Lake Temagami Island 337

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#### **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.

*J. Robinson joined the meeting by phone at 1:12p.m.*

#### **Presentation of the Applications**

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated September 17, 2019, with the meeting package. J. Robinson of MHBC attended by telephone and summarized the application with a PowerPoint presentation for the Committee. Based on the comments provided, his recommendation would be to defer the application until further review of the comments submitted can be completed. J. Robinson reviewed for the Committee the proposed development being requested. J. Robinson would like to discuss with the Chief Building Official regarding the capping of the holding tanks requirements, under the Building Code. He informed the Committee that he would like to take the opportunity to review the comment submission from the Temagami First Nation. He informed the Committee that there is legislation that governs, and sets out procedures if an artifact or remains is found. He also informed the Committee that the size of the Island is small, and due to width of the Island potential for development will be taken into consideration.

#### Correspondence Included in the Packages

- Correspondence from Wayne O'Shea dated September 12, 2019 - no objections
- Correspondence from Timiskaming Health Unit dated September 17, 2019 - no objections as long as the minimum setbacks in part 8.2.1.6lc of the building code are maintained.

#### Correspondence Received after Packages were compiled

The Secretary-Treasurer read out the correspondence below:

- Correspondence from the Ministry of Natural Resources and Forestry dated September 23, 2019 - no concerns.
- Correspondence from Temagami First Nation dated September 24, 2019 – The Island in question has high archaeological potential; therefore, it should have an archaeological assessment.
- Correspondence from Paul Tamburro, Temagami Lakes Association dated September 24, 2019 - no objections to the variance.

#### Presentation of the Application by the Applicant/Agent:

Questions/Comments by other Property Owners: None.

#### Questions/Comments by Committee of Adjustment Members:

- Question regarding setting precedence, and J. Robinson informed the Committee that no precedence can be set as each application is evaluated based on its own merits.
- Comment for a maximum building regarding holding tanks. J. Robinson informed the Committee no requirements for agreements in place, a building cannot be occupied legally
- Question regarding sketch and proposed addition regarding the link: is the link included in the square footage, is the proposed deck included in the sketch.
- Questions regarding fixtures and facilities, and what is the proposed addition going to be used for, whether the Bunkie is serviced?
- Question regarding how the applicants plan to construct the proposed development?
- Question regarding environmental study triggers: J. Robinson, clarified that an environmental study is triggered when a significance of: wildlife habitat, wetlands, fish habitat, are provided in the Official Plan maps.
- Comment would like to have docking locations on consent applications. J. Robinson informed the Committee that site visits will be made moving forward.
- Question regarding information that is used to decipher if studies are required, and if a request into the MNRF for updated mapping required? J. Robinson informed the Committee that MHBC has access to all of the MNRF maps, and can have them printed.
- Comment to have in the report that a review of these studies has been completed.

#### Discussion/Decision by Committee Members:

*J. Robinson was excused from the meeting at: 1:33 p.m.*

The Committee members discussed the application and the following resolution was passed:  
19-13

**MOVED BY:** B. Graham

**SECONDED BY:** B. Rice

**BE IT RESOLVED THAT**

COA September 26, 2019 – DRAFT Minutes

The Committee of Adjustment:        Deferrers  
Minor Variance Application: MV-19-03  
Applicant: K.J. Allen Investments Inc.  
Subject to the attached Notice of Decision  
**CARRIED**

### **ITEMS FOR INFORMATION**

The Secretary-Treasurer informed the Committee that a Member Ballentine, due to unforeseen circumstances may need to resign. She further informed the Committee that according to the Committee of Adjustment by-law, only 1 member of Council can sit on the Committee, and that a Memo can be prepared regarding attendance for the next Council meeting.

### **NEXT MEETING DATE**

### **ADJOURNMENT**

19-14

**MOVED BY:** B. Graham

**SECONDED BY:** B. Rice

BE IT RESOLVED THAT the September 26, 2019 Committee of Adjustment meeting be adjourned at 1:36 p.m.

**CARRIED**

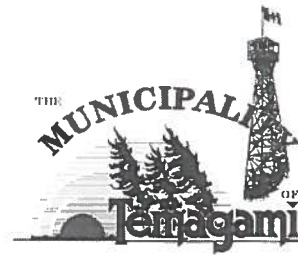
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Prepared by: Tammy Lepage Secretary-Treasurer Committee of Adjustment



**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: <b>RECEIVED DEC 23 2019</b>	Complete Application: <u>January 14/2020</u>
Application Number: <u>MV-20-01</u>	One copy of original sketch: <u>Yes</u>
Fee \$ <u>600</u>	Fee Received on: <u>Dec 23/19</u>

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

SECTION 1 – APPLICANT INFORMATION		
1.1 Owner Information		
Name of Owner(s) <u>Lynne + Rob Wolstenholme</u>		
Home Telephone Number <u>519 821 9760</u> <u>519.</u> <u>867-2032</u>	Business Telephone Number <u>n/a</u>	
Fax Number <u>n/a</u>	Email Address <u>wolstenholme.lynne@gmail.com</u>	
Mailing Address <u>26 Stuart Street Guelph ON</u>		Postal Code <u>N1E 4S4</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>n/a</u>		
Position(s): <u>n/a</u>		
1.2 Agent Information (Who is making the application on behalf of the owner)		
Name of Agent / Contact Person: <u>Karen Beauchamp, Clearwater Planning Inc.</u>		
Home Telephone Number <u>705 358 9941</u>	Business Telephone Number <u>705 358 9941</u>	

Fax Number <u>705 569 4565</u>	Email Address <u>Karen@clearwaterplanning.ca</u>
Mailing Address <u>Box 307 Temagami ON</u>	Postal Code <u>P0H 2H0</u>
<b>1.3 Please specify to whom all communications should be sent</b> <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Both Owner and Agent	
<b>SECTION 2 – AUTHORIZATION</b>	
<b>2.1</b> 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.	
<b>AUTHORIZATION OF OWNER(S) FOR AGENT TO MAKE THE APPLICATION &amp; DISCLOSE OF PERSONAL INFORMATION</b>	
I/WE, <u>Rob and Lynne Wolstenholme</u> , owner(s) of the land that is subject to this application hereby authorize <u>Karen Beauchamp</u> 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 <u>Karen Beauchamp</u> to make this application on my/our behalf.	
<u>x Rob Wolstenholme</u> Signature of Owner(s) <u>Rob</u>	<u>Sept. 30/19</u> Date
<u>x Lynne Wolstenholme</u> Signature of Owner(s) <u>Lynne</u>	<u>Sept. 30/19</u> Date
<b>2.2</b> Consent of Owner – Complete the consent of the owner concerning personal information set out below	
<b>CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION</b>	
I/WE, <u>Rob and Lynne Wolstenholme</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.	
<u>x Rob Wolstenholme</u> Signature of Owner(s) <u>Rob</u>	<u>Sept. 30/19</u> Date
<u>x Lynne Wolstenholme</u> Signature of Owner(s) <u>Lynne</u>	<u>Sept. 30/19</u> Date

### 2.3 Consent of Owner – Site Visit

I/WE Rob and Lynne Wolstenholme, 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.

Rob Wolstenholme  
Signature of Owner(s) Rob

Sept. 30/19  
Date

Lynne Wolstenholme  
Signature of Owner(s) Lynne

Sept. 30/19  
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.

Rob Wolstenholme  
Signature of Applicant (s) Rob

Sept. 30/19  
Date

Rob and Lynne Wolstenholme  
Print Name

### SECTION 3 – LAND USE

3.1 Official Plan Designation Marten River Neighbourhood - Integrated Management Area

3.2 Zoning RZ - Remote Residential

### SECTION 4 – DESCRIPTION OF THE PROJECT

#### 4.1 Project Description

Provide details of the project.

To enclose a 12' x 22' deck on the east side of the cottage.  
3.6m x 6.7m

### 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.

7.5.2 Dwelling unit @ minimum distance from the shore 15m (12.2m is proposed)  
c) minimum side yard 5m (3.68m is proposed)

## SECTION 6 - LOCATION OF THE SUBJECT LAND

### 6.1 Location of Land

#### Municipal Address

61 Rattler Rd.

#### Legal Description

Lot 1 Plan M-411 + Part 1 & 2 36R-13010

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

June 19 2009

## SECTION 7 - DESCRIPTION OF SUBJECT LAND AND PROJECT

### 7.1 Description of any proposed buildings/structures

To enclose a 12' x 22' (3.6m x 6.7m) deck on the east side of the cottage to make more living room space.

### 7.2 Property Information - Site

Lot Area: 0.58 ha  
Road Frontage: 46m  
Water Frontage: 57.2m  
Lot Depth: 141.2m  
Lot Width: 57.2m

### 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 Hydro One over Part 2 36R 13010

## SECTION 8 - SERVICING INFORMATION

8.1 Check the appropria te Box	Provincial Highway	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Municipal road - maintained all year	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Municipal road - seasonally maintained	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other public road (e.g. LRB)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Right of way	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Water access	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other (e.g. private road) Private Road over Crown Land	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.

n/a

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.

crown owned - maintained year round by residents

### SECTION 10 - EXISTING USE I.E. VACANT- RESIDENTIAL LOTS

10.1 Existing use(s) of the subject land: Residential

10.2 How long has the existing use continued? 50 years ±

10.3 Existing use(s) of abutting (neighbouring) properties: East and South Crown Land - vacant  
West-Residential North-Jumping Caribou Lake

### SECTION 11 - EXISTING PARTICULARS OF ALL BUILDINGS AND STRUCTURES

11.1	Ground Floor Area	Gross Floor Area	No. of Stories	Width	Length	Height

See attached chart

11.2 Location of all buildings and structures (specify distance)

	Side Lot Lines	Rear Lot Lines	Front Lot Lines

See attached chart

### SECTION 12 - PROPOSED USE & PROPOSED PARTICULARS OF ALL BUILDINGS AND STRUCTURES

12.1 Description of proposed use of subject land.

Residential

12.2	Ground Floor Area	Gross Floor Area	No. of Stories	Width	Length	Height

See attached chart

<b>12.3 Location of all proposed buildings and structures (Specify Distance)</b>				
Same as existing main	Side Lot Lines 1.2 (east)	Rear Lot Lines 68.6	Front Lot Lines 12.2	
<b>SECTION 13 – SERVICING INFORMATION</b>				
<b>13.1</b> Check All appropriate boxes.	Publicly owned and operated piped water system	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated individual well	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated communal well	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Lake or other water body	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>13.2</b> Check All appropriate boxes.	Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated individual septic tank	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privately owned and operated communal septic system	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Privy	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	If <b>Other</b> please explain: n/a			
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.				
<b>13.3 Storm Water Drainage</b>		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
If <b>YES</b> Please explain i.e. culvert, ditches or other: n/a				
<b>13.4 Are any of the following uses or features on the subject land or within 500 meters of the subject land:</b>				
<b>Agriculture operation i.e. livestock facility or stockyard</b>		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>Landfill</b>		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>Sewage treatment plant or waste stabilisation plant</b>		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>provincial significant wetland (class 1,2,3)</b>		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>Flood Plain</b>		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A

Rehabilitated mine site	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Non-Operating mine site within 1 km of the subject land	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Active Railway line	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Municipal/Federal Airport	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Utility Corridors	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Heritage building/structure/site?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A

If Yes to any of the above, describe n/a

#### 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 MV-12-01 SPC-16-12 SPC-11-01  
MV-16-08 SPC-12-04

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

See attached sketches, photos, report.

#### 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, Karen Beauchamp  
(full name)

of the Municipality of Temagami  
(city, town)

in the District of Nipissing  
(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, town)

in the \_\_\_\_\_  
(region, county, district)

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Commissioner, etc.)

\_\_\_\_\_  
Signature of Applicant \* Agent for Applicant

\*Must be signed in the presence of the Commissioner.

**Please provide a separate affidavit if more than one applicant.**



**11.1 Existing Structures**

	<b>Ground Floor Area (sq m)</b>	<b>Gross Floor Area (sq m)</b>
Main Dwelling	74	129
Sleep Cabin	57	57
Shed 1	38	38
Woodshed for Main Dwelling	10	10
Woodshed for Sleep Cabin	10	10
Water Based Boathouse	132	132
Total Lot coverage	189	
Total SAA coverage	27	

**11.2 Location**

	<b>Side Lot Lines (m)</b>	<b>Rear Lot Line (m)</b>
Main Dwelling	1.2 (east)	69
Sleep Cabin	5.8 (west)	94
Shed 1	0 (west)	107
Woodshed for Main Dwelling	0 (east)	64
Woodshed for Sleep Cabin	4.8 (west)	64
Water Based Boathouse	5 (east)	115

**12.1 Proposed Structure**

	<b>Ground Floor Area (sq m)</b>	<b>Gross Floor Area (sq m)</b>
Main Dwelling	98	153

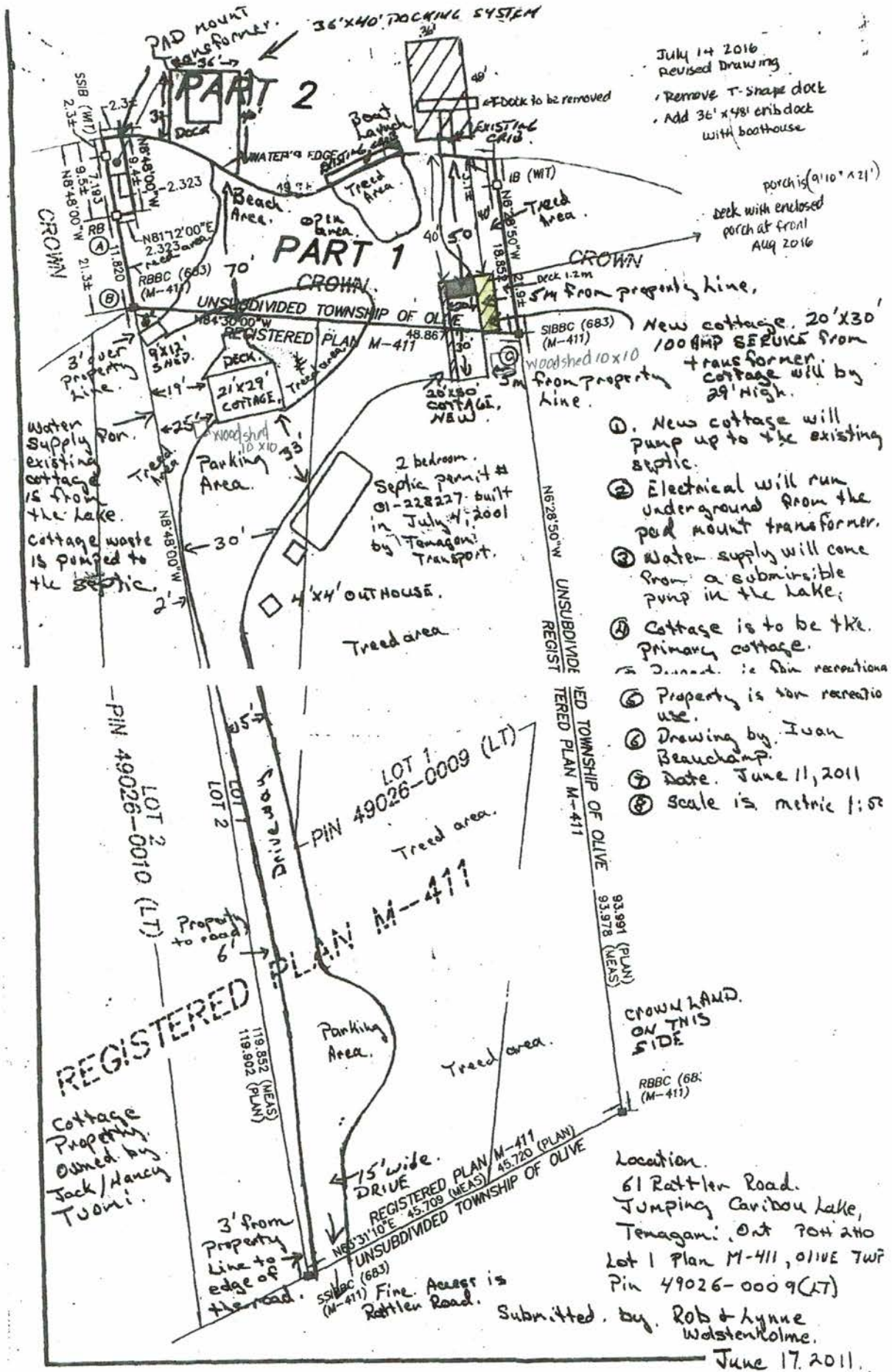
No of Stories	Width (m)	Length (m)	Height (m)
1.5	6	12.2	8
1	6.4	8.8	4.6
1	2.7	3.7	3.7
1	3.2	3.2	3.2
1	3.2	3.2	3.2
1	11	12	5.2

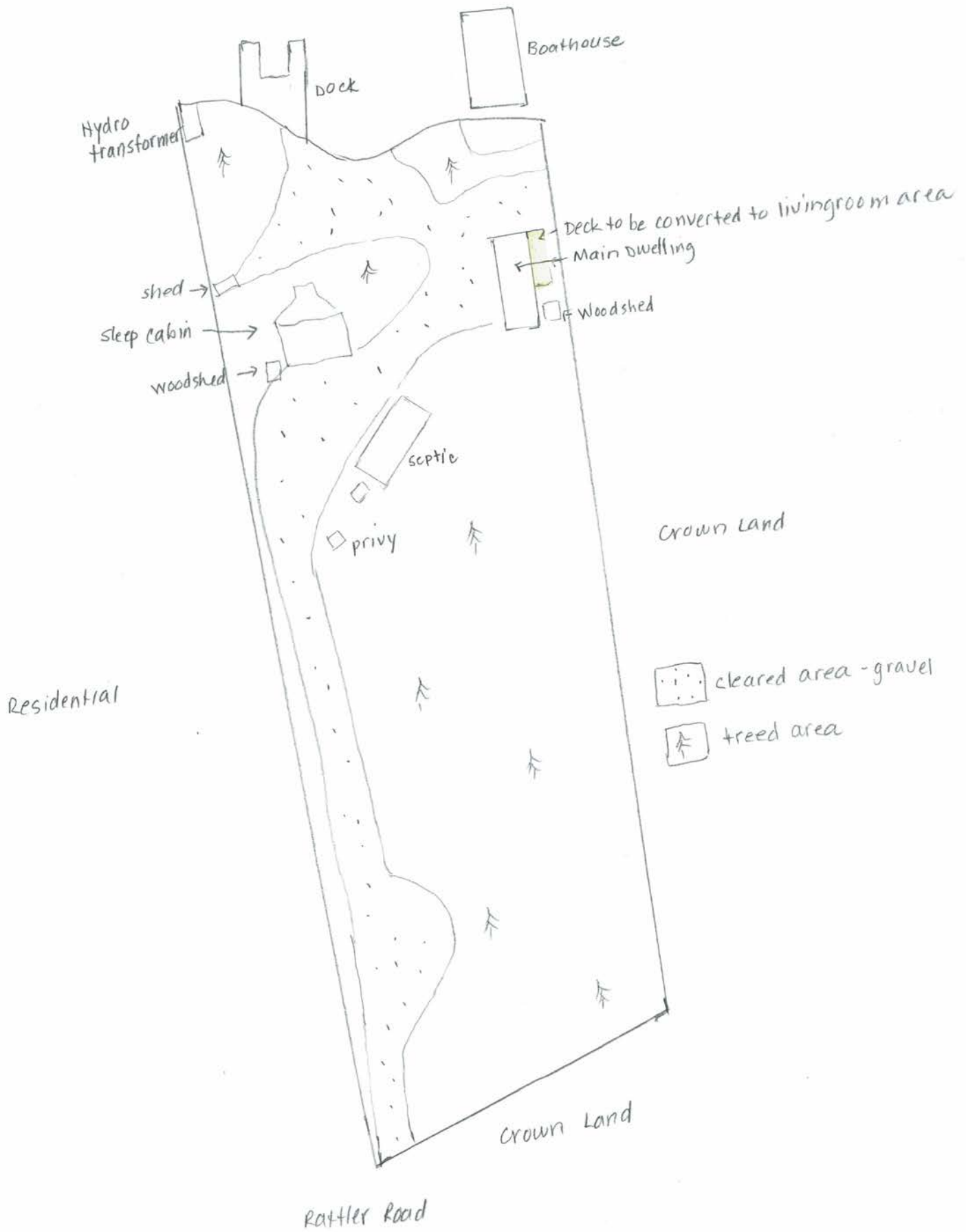
#### Front Lot Line (m)

12.2  
21  
20  
29  
33  
0

No of Stories	Width (m)	Length (m)	Height (m)
1.5	9.6	12.2	8

## SCHEDULE A





Page 19 of 74





## Legend

- Building as Symbol
- Building to Scale
- Airport
- Helipoint \ Hospital Helipoint
- Seaplane Base
- Ferry Route
- Trail Head \ Trail
- Railway \ Train Station
- Railway with Bridge
- Railway with Tunnel
- Road (Major → Minor)
- Winter Road
- Road with Bridge
- Road with Tunnel
- Primary, Kings or 400 Series Highway
- Secondary Highway
- Tertiary Highway
- District, County, Regional or Municipal Road
- Toll Highway
- One Way Road
- Road with Permanent Blocked Passage
- Road with Address Ranges
- Hydro Line, Communication Line or Unknown Transmission Line
- Natural Gas Pipeline, Water Pipeline or Unknown Pipeline
- Spot Height
- Index Contour
- Contour
- Wooded Area
- Wetland
- Waterbody
- Waterbody Elevation
- Watercourse
- Falls
- Rapids
- Rapids \ Falls
- Rapids
- Rocks
- Lock Gate
- Dam \ Hydro Wall
- Dam \ Hydro Wall
- Provincial \ State Boundary
- International Boundary
- Upper Tier \ District
- Municipal Boundary
- Lower Tier \ Single Tier
- Municipal Boundary
- Lot Line
- Indian Reserve
- Provincial Park
- National Park
- Conservation Reserve
- Military Lands

0 3.5 km

Projection: Web Mercator



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## Legend

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	Building to Scale
	Airport
	Helipoint \ Hospital Helipoint
	Seaplane Base
	Ferry Route
	Trail Head \ Trail
	Railway \ Train Station
	Railway with Bridge
	Railway with Tunnel
	Road (Major -> Minor)
	Winter Road
	Road with Bridge
	Road with Tunnel
	Primary, Kings or 400 Series Highway
	Secondary Highway
	Tertiary Highway
	District, County, Regional or Municipal Road
	Toll Highway
	One Way Road
	Road with Permanent Blocked Passage
	Road with Address Ranges
	Hydro Line, Communication Line or Unknown Transmission Line
	Natural Gas Pipeline, Water Pipeline or Unknown Pipeline
	Spot Height
	Index Contour
	Contour
	Wooded Area
	Wetland
	Waterbody
	Waterbody Elevation
	Watercourse
	Falls
	Rapids
	Rapids \ Falls
	Rocks
	Lock Gate
	Dam \ Hydro Wall
	Dam \ Hydro Wall
	Provincial \ State Boundary
	International Boundary
	Upper Tier \ District Municipal Boundary
	Lower Tier \ Single Tier Municipal Boundary
	Lot Line
	Indian Reserve
	Provincial Park
	National Park
	Conservation Reserve
	Military Lands

0 0.1 km

Projection: Web Mercator



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## Legend

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	Railway with Bridge
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	Toll Highway
	One Way Road
	Road with Permanent Blocked Passage
	Road with Address Ranges
	Hydro Line, Communication Line or Unknown Transmission Line
	Natural Gas Pipeline, Water Pipeline or Unknown Pipeline
	Spot Height
	Index Contour
	Contour
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	Waterbody
	Waterbody Elevation
	Watercourse
	Falls
	Rapids
	Rapids \ Falls
	Rocks
	Lock Gate
	Dam \ Hydro Wall
	Dam \ Hydro Wall
	Provincial \ State Boundary
	International Boundary
	Upper Tier \ District Municipal Boundary
	Lower Tier \ Single Tier Municipal Boundary
	Lot Line
	Indian Reserve
	Provincial Park
	National Park
	Conservation Reserve
	Military Lands

0 0.1 km

Projection: Web Mercator



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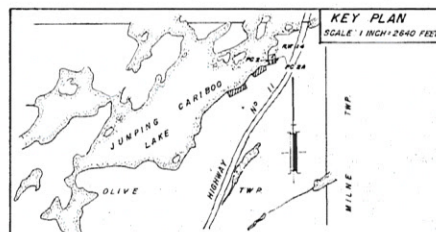




# OWNER'S CERTIFICATE

LOTS 1 TO 10, INCLUSIVE AS DESIGNATED WITHIN THE AREA OF SURVEY OUTLINED, HAVE BEEN LAID OUT IN ACCORDANCE WITH INSTRUCTIONS.

G. H. U. SATLY  
DEPUTY MINISTER OF LANDS AND FORESTS



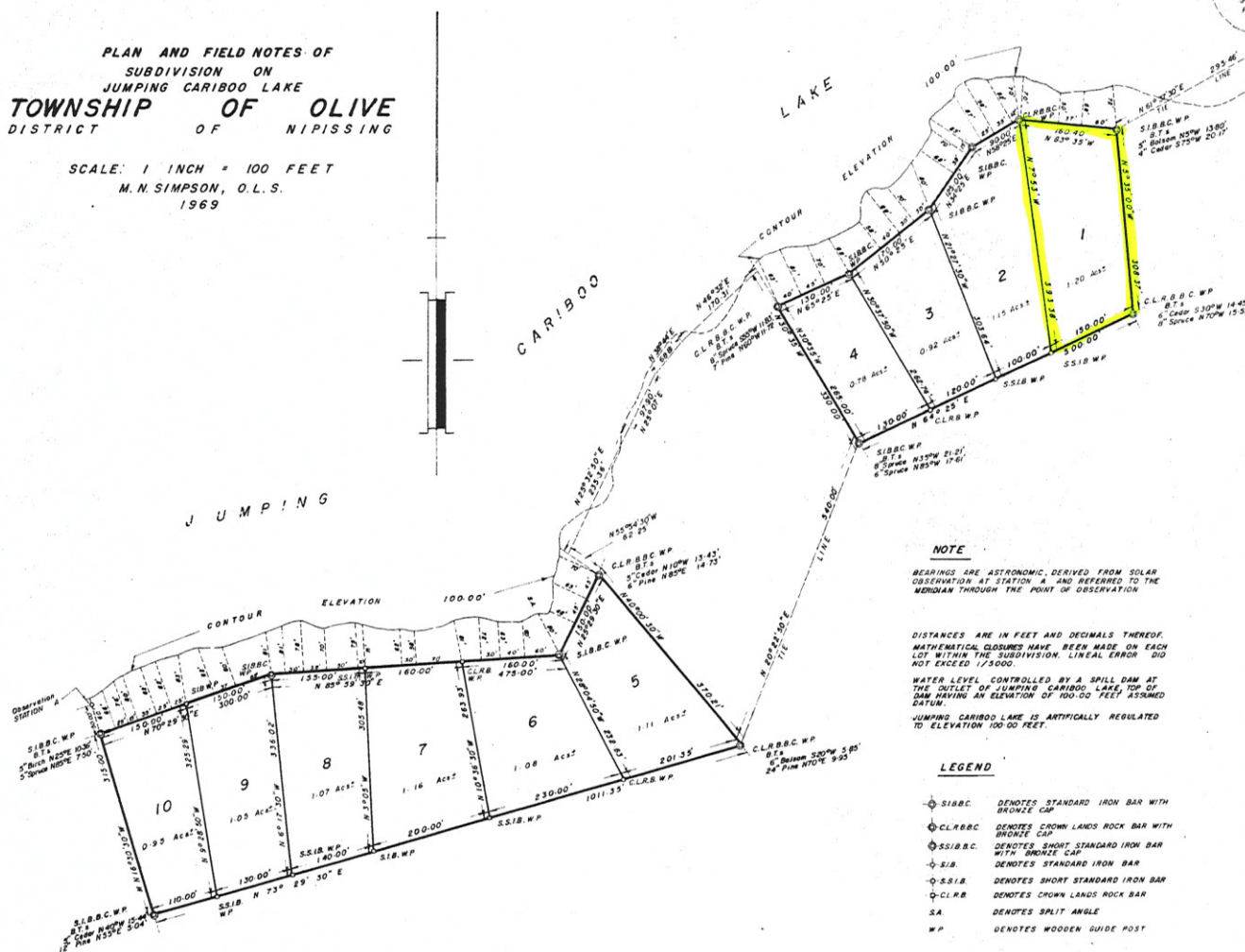
PLAN M-411

PLAN M-411 REGISTERED 14 APRIL 1970  
AND ENTERED ON MAPS 22290 S.I.P.  
VOL. 140

S. Simpson  
MASTER OF TITLES

## PLAN AND FIELD NOTES OF SUBDIVISION ON JUMPING CARIBOO LAKE TOWNSHIP OF OLIVE DISTRICT OF NIPISSING

SCALE: 1 INCH = 100 FEET  
M. N. SIMPSON, O.L.S.  
1969



### SURVEYOR'S CERTIFICATE

- I HEREBY CERTIFY:
1. THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER,
  2. THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN,
  3. THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY,
  4. THAT THE SURVEY WAS COMPLETED ON THE 25th DAY OF SEPTEMBER, 1969.

NORTH BAY, ONTARIO,  
OCTOBER 1st, 1969.

M. N. Simpson  
M. N. SIMPSON  
ONTARIO LAND SURVEYOR

### NOTE

BEARINGS ARE ASTRONOMIC, DERIVED FROM SOLAR OBSERVATION AT STATION A AND REFERRED TO THE MERIDIAN THROUGH THE POINT OF OBSERVATION.

DISTANCES ARE IN FEET AND DECIMALS THEREOF. MATHEMATICAL CLOSURES HAVE BEEN MADE ON EACH LOT WITHIN THE SUBDIVISION. LINEAL ERROR DID NOT EXCEED 1/5000.

WATER LEVEL CONTROLLED BY A SPILL DAM AT THE OUTLET OF JUMPING CARIBOO LAKE, TOP OF DAM HAVING AN ELEVATION OF 100.00 FEET, ASSUMED DATUM.

JUMPING CARIBOO LAKE IS ARTIFICIALLY REGULATED TO ELEVATION 100.00 FEET.

### LEGEND

- S.I.B.C. DENOTES STANDARD IRON BAR WITH BRONZE CAP
- C.L.R.B.C. DENOTES CROWN LANDS ROCK BAR WITH BRONZE CAP
- S.S.I.B.C. DENOTES SHORT STANDARD IRON BAR WITH BRONZE CAP
- S.I.B. DENOTES STANDARD IRON BAR
- S.S.I.B. DENOTES SHORT STANDARD IRON BAR
- C.L.R.B. DENOTES CROWN LANDS ROCK BAR
- SA DENOTES SPLIT ANGLE
- WP DENOTES WOODEN GUIDE POST

Approved under Section 28 of  
THE PLANNING ACT.

The 14th day of March 1970  
W. Darcy Jackson  
MINISTER OF MUNICIPAL AFFAIRS

ONTARIO  
DEPARTMENT OF LANDS AND FORESTS  
LANDS AND SURVEYS BRANCH

SURVEYED UNDER INSTRUCTIONS DATED JULY 14th, 1969  
FROM THE HONOURABLE THE MINISTER OF LANDS AND FORESTS

APPROVED  
Robert S. Cook, Surveyor General  
MARCH 11, 1970

FILE 180823



Ministry of  
Natural  
Resources

Ontario

PROVINCE OF ONTARIO  
MINISTRY OF NATURAL RESOURCES  
GRANT OF EASEMENT

NO. 922

THIS INDENTURE made in duplicate the first day of November in the year of Our Lord two thousand and twelve pursuant to the Public Lands Act,

BETWEEN:

BS111122

THE MINISTER OF NATURAL RESOURCES  
for the Province of Ontario,  
hereinafter called the "Grantor",

JAN 22 2013 10:49

NUMBER: BS111122  
Certificate of Receipt  
Certificat de Recepisse

OF THE FIRST PART;

- and -

*Katherine Cee*

Land Registrar/Registreur  
Nipissing #36 North Bay

HYDRO ONE NETWORKS INC.,  
incorporated under the laws of  
Ontario, hereinafter called the  
"Grantee",

OF THE SECOND PART;

WITNESSETH that under the Public Lands Act and in consideration of the sum of ONE THOUSAND DOLLARS (\$1,000.00) now paid by the Grantee to the Minister of Finance of Ontario, the receipt whereof is hereby acknowledged, and the covenants and agreements hereinafter contained on the part of the Grantee to be observed and performed, the Grantor doth hereby grant, convey, transfer, and confirm unto the Grantee, its successors and assigns, as and from the first day of July, 2012, the right, licence, liberty, privilege and easement on, over, under and through the public lands situate, lying and being in the Geographic Township of Olive, in the Municipality of Temagami, in the Territorial District of Nipissing and Province of Ontario, being more particularly described in Schedule "A" attached hereto, and which public lands are hereinafter referred to as the "right-of-way" to lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, re-locate, re-construct and remove at any time and from time to time, an electrical distribution line hereinafter referred to as the "works", on the following terms and conditions which are hereby mutually covenanted and agreed to by and between the Grantor and the Grantee:

1. The right, licence, liberty, privilege and easement hereby granted shall continue in perpetuity or until the Grantee shall surrender, execute and deliver a transfer and release thereof.
2. Subject to the rights granted herein to the Grantee, Her Majesty the Queen in right of Ontario shall have charge of the administration, management, sale and disposition of the land and shall have the right to fully use and enjoy it.
3. (1) Where Her Majesty the Queen in right of Ontario makes a disposition of public lands comprising in whole or in part, any part of the right-of-way, the person to whom the disposition is made, his heirs, executors, administrators, successors and assigns, or any of them may use the surface layer of land,
  - (a) for the growing of crops and the grazing of live-stock;
  - (b) with the consent of the Grantee, for the purpose of a road, trail or lane crossing the right-of-way or any other crossing, provided that where the right-of-way is owned by a municipal corporation, commission, public utility or other agency or authority of a public nature, the consent of the Grantee shall not be required except as to the location thereof.
  - (c) for any purpose consistent with municipal zoning.
- (2) The owner or lessee of the mines or minerals lying in, on or under the right-of-way may work and prospect for mines or minerals, provided that the safe operation of the works of the Grantee is not interfered with or endangered.
4. The Grantee agrees to restore at its own expense the right-of-way to its approximate condition as the same existed immediately prior to the installation of the works and to restore all fences damaged during such installation or during any subsequent operations by the Grantee, to the satisfaction of the Grantor so far as is consistent with the use of the easement hereby granted and the Grantee will compensate the Grantor for any trees, shrubs, and crops or any of them destroyed or fences not restored at a valuation determined by the Grantor.
5. The Grantee will compensate Her Majesty the Queen in right of Ontario for any loss, damage or expense resulting from, caused by or in any manner connected with the exercise of the rights granted herein or which would not have happened but for the existence of the works or this easement, provided that the obligation to compensate Her Majesty shall not apply if a court of competent jurisdiction has ruled that such loss, damage or expense is attributable to the acts of the Grantor, Her Majesty the Queen in right of Ontario, Her officers, servants and agents or any of them, in deliberate or reckless disregard for the rights granted herein.

6. Notwithstanding any rule of law or equity, the works shall at all times remain the property of the Grantee notwithstanding that the same may be annexed or affixed to the land and shall at any time and from time to time be removable in whole or in part by the Grantee, its successors and assigns.
7. In the event that the Grantee abandons the works, the Grantee may, with the consent of the Grantor, leave any part thereof in place.
8. The Grantee performing and observing the covenants and conditions on its part to be performed and observed, shall and may peaceably hold and enjoy the rights, liberties, privileges and easement hereby granted, without let, hindrance, molestation or interruption on the part of the Grantor or of any person claiming by, through, under or in trust for the Grantor.
9. All notices to be given hereunder may be given by registered letter, addressed to the Grantee at

185 Clegg Road  
Markham, Ontario  
L6G 1B7,

or to the Grantor at

Ministry of Natural Resources  
North Bay District Office  
3301 Trout Lake Road  
North Bay, Ontario  
P1A 4L7

or such other address as the Grantor or Grantee may respectively, from time to time designate by letter, and any such notice shall be deemed to have been given to and received by the addressee three days after mailing thereof, postage prepaid and registered.

10. The right, licence, liberty, privilege and easement herein granted are hereby declared to be appurtenant to the lands of the Grantee situate, lying and being in the City of Toronto and Province of Ontario, being more particularly described in Schedule "B" attached hereto.
11. The Grantee covenants to indemnify, keep indemnified and save harmless the Grantor, Her Majesty the Queen in right of Ontario, Her officers, servants and agents or any of them, hereinafter collectively referred to as "the Grantor" from and against all claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever, resulting from, caused by or in any manner connected with the exercise of any right granted herein or which would not have happened but for the existence of the works or this easement, and the Grantee hereby waives, releases and forever discharges, the Grantor from all claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever, which the Grantee has or hereafter shall or may have resulting from, caused by or in any manner connected with the exercise of any right granted herein or which would not have happened but for the existence of the works or this easement, provided that the indemnity

SCHEDULE 'A'

Part of Location CL 16225,  
Being part of and within the unsubdivided  
Geographic Township of Olive,  
Lying in front of Lot 1 Registered Plan M-411,  
Municipality of Temagami,  
Territorial District of Nipissing,  
Containing 0.002 hectares, more or less,  
Designated as Part 2 on Reference Plan 36R-13010.

## **SCHEDULE B**

### **BENEFITTED LANDS:**

Firstly: The whole of Parcel 12-6 in the Register for Section A-45, being that part of Unit 1 according to Plan D-282, designated as Parts 9, 10, 11, 12, 13, 14, 15, 17, 19, 22, 23, 24 and 25 and according to Plan of Survey of Record filed in the said Land Registry Office as No. 66R-10829;

Secondly: The whole of Parcel James Street-1 in the Register for Section A-45 being part of James Street according to Plan 45 registered in the Land Registry Office for the Registry Division of Toronto (No.63) closed by By-law 207-79 of The Corporation of the City of Toronto, registered in the said Land Registry Office as Instrument CT367002 (A824550), and part of the lane lying immediately to the east of Lots 1, 2, 3 and 4 on the east side of Terauley Street, now Bay Street, according to Plan 220 registered in the aforesaid Land Registry Office, closed by By-law 206-79 of The Corporation of the City of Toronto, registered in the said Land Registry Office as Instrument CT357762 (A824549), designated as Parts 1 and 2 on a Plan of Survey of Record in the Land Registry Office for the Land Titles Division of Toronto and York South (No.66) at Toronto as Plan 66R-11636;

Thirdly: The whole of Parcel 131-1 in the Register for Section A-45 being those parts of Lots 131, 132 and 133 according to Plan 45, registered in the Land Registry Office for the Registry Division of Toronto (No.63) designated as Part 1 on a Plan of Survey of Record in the Land Registry Office – Land Titles Division of Toronto and York South (No.66) – at Toronto as 66R-8769 and further designated according to the aforesaid Plan of Survey of Record filed in the said Land Registry Office as No. 66R-10829 as part 18;

Fourthly: The whole of Parcel 1-2 in the Register for Section A-220, being parts of Lots 1, 2, 3 and 4 on the east side of Bay Street, formerly Terauley Street according to a Plan 220 registered in the Land Registry Office for the Registry Division of Toronto (No.63) designated as Part 16 of Plan 66R-10829 in the City of Toronto

The said four Parcels are all in the City of Toronto.

and release herein shall not apply if a court of competent jurisdiction has ruled that such claims, demands, costs, suits, actions or proceedings, causes of action, loss, damage, expense or injury including death, of any nature or kind whatsoever are attributable to acts of the Grantor in deliberate or reckless disregard for the rights granted herein.

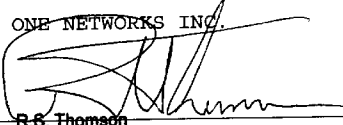
12. The rights, liberties, privileges and easement hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land, and this Indenture, including all the covenants and conditions herein contained, shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.



SA Steven Ferguson  
Provincial Lands Specialist - Crown Land Registry  
Land and Water Services Section  
Ministry of Natural Resources  
for and on behalf of the  
Minister of Natural Resources

HYDRO ONE NETWORKS INC.

BY:   
R.G. Thomson  
Acquisition and Special Projects Supervisor  
Real Estate Services  
Hydro One Networks Inc.

AND: I have authority to bind  
the Corporation.

---

Grant of Easement No. 922

Main Office File No. 180623

Hydro One Networks Inc.  
LVR Clerks, Real Estate Services  
P.O. Box 4300  
Markham, Ontario  
L3R 5Z5

---



**Ontario**

Refer to instructions on reverse side.

Ministry of Finance

Motor Fuels and  
Tobacco Tax Branch  
PO Box 625  
33 King Street West  
Oshawa ON L1H 8H9

Property Identifier(s) No.

**Land Transfer Tax Affidavit**  
*Land Transfer Tax Act*

In the Matter of the Conveyance of (insert brief description of land) Part of Location CL 16225, Being Part of and within the unsubdivided Geographic Township of Olive, Lying in Front of Lot 1, Registered Plan M-411, Municipality of Temagami, Territorial District of Nipissing, Containing 0.002 Hectares, more or less, Designated as Part 2, on Reference Plan 36R-13010.

BY (print names of all transferors in full) MINISTER OF NATURAL RESOURCES for the Province of Ontario

TO (print names of all transferees in full) HYDRO ONE NETWORKS INC

ROBERT S. THOMSON

have personal knowledge of the facts herein deposed to and Make Oath and Say that:

1. I am (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- ☐ (a) the transferee named in the above-described conveyance;
- ☐ (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
- ☒ (c) ROBERT S. THOMSON, Secretary, Real Estate Services, Hydro One Networks Inc. Manager authorized to act for HYDRO ONE NETWORKS INC. (the transferee(s));
- ☐ (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse or same-sex partner) \_\_\_\_\_ who is my spouse or same-sex partner.
- ☐ (e) the transferor or an officer authorized to act on behalf of the transferor company and ☐ I am tendering this document for registration and ☐ no tax is payable on registration of this document.

**2. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:**

- |  |    |                 |   |
|--|----|-----------------|---|
| (a) Monies paid or to be paid in cash  | \$ | <u>1000.00*</u> | All blanks must be filled in.<br>Insert "Nil" where applicable. |
| (b) Mortgages (i) Assumed (principal and interest)   | \$ | <u>Nil</u>      |   |
| (b) Mortgages (ii) Given back to vendor  | \$ | <u>Nil</u>      |   |
| (c) Property transferred in exchange (detail below in paragraph 5)   | \$ | <u>Nil</u>      |   |
| (d) Other consideration subject to tax (detail below)  | \$ | <u>Nil</u>      |   |
| (e) Fair market value of the lands (see instruction 2)   | \$ | <u>Nil</u>      |   |
| (f) Value of land, building, fixtures and goodwill subject to Land Transfer Tax (Total of (a) to (e))                              | \$ | <u>1000.00*</u> | \$ <u>1000.00*</u>  |
| (g) Value of all chattels – items of tangible personal property which are taxable under the provisions of the Retail Sales Tax Act | \$ | <u>Nil</u>      |   |
| (h) Other consideration for transaction not included in (f) or (g) above   | \$ | <u>Nil</u>      |   |
| (i) Total Consideration  | \$ | <u>1000.00*</u> |   |

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00

I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:

- ☐ does not contain a single family residence or contains more than two single family residences;
- ☐ contains at least one and not more than two single family residences; or
- ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ \_\_\_\_\_ and the remainder of the lands are used for \_\_\_\_\_ purposes.

**Note:** Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one percent upon the value of consideration in excess of \$400,000.00 where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

4. If the consideration is nominal, is the land subject to any encumbrance? ☐ Yes ☒ No
5. Other remarks and explanations, if necessary. This Transfer of Easement is given for the purpose of transmitting electrical energy. No consideration is passing directly or indirectly. \*The payment is an administration fee and no Land Transfer Tax is payable

Sworn/affirmed before me in the Town of Markham

In the Province of Ontario

this 6th day of June, 2012

Melissa Faye Kotsios, a Commissioner, O.C.B.,  
Province of Ontario,  
for Hydro One Networks Inc.  
Expires April 6, 2016.

A Commissioner for taking Affidavits, etc.

Robert S. Thomson  
Acquisition and Special Projects Supervisor  
Real Estate Services  
Hydro One Networks Inc.  
I have Authority to Bind the Corporation

**Property Information Record**

- A. Describe nature of instrument: TRANSFER OF EASEMENT
- B. (i) Address of property being conveyed (if available) N/A
- (ii) Assessment Roll No. (if available) N/A
- C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed  
185 Clegg Road, Markham, ON, L6G 1B7
- D. (i) Registration number for last conveyance of property being conveyed (if available) N/A
- (ii) Legal description of property conveyed: Same as in D.(i) above. ☐ Yes ☒ No ☐ Not Known
- E. Name(s) and address(es) of each transferee's solicitor:  
Hydro One Networks Inc., 483 Bay Street, Toronto, ON, M5G 2P5

For Land Registry Office Use Only	
Registration No.	
Registration Date (Year/Month/Day)	
Land Registry Office No.	

**School Support (Voluntary Election) (See reverse for explanation)**

- (a) Are all individual transferees Roman Catholic? ☐ Yes ☐ No
- (b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? ☐ Yes ☐ No
- (c) Do all individual transferees have French Language Education Rights? ☐ Yes ☐ No
- (d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? ☐ Yes ☐ No

**Note:** As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b).





Refer to instructions on reverse side.

Ministry of Finance

Motor Fuels and  
Tobacco Tax Branch  
PO Box 625  
33 King Street West  
Oshawa ON L1H 9H9

Property Identifier(s) No.

**Land Transfer Tax Affidavit**  
Land Transfer Tax Act

In the Matter of the Conveyance of (insert brief description of land) Part of Location CL 16225, Being Part of and within the unsubdivided  
Geographic Township of Olive, Lying in Front of Lot 1, Registered Plan M-411, Municipality of Temagami, Territorial District  
of Nipissing, Containing 0.002 Hectares, more or less, Designated as Part 2, on Reference Plan 36R-13010.

BY (print names of all transferors in full) MINISTER OF NATURAL RESOURCES for the Province of Ontario

TO (print names of all transferees in full) HYDRO ONE NETWORKS INC

ROBERT S. THOMSON

have personal knowledge of the facts herein deposed to and Make Oath and Say that:

1. I am (place a clear mark within the square opposite the following paragraph(s) that describe(s) the capacity of the deponents):

- ☐ (a) the transferee named in the above-described conveyance;
- ☐ (b) the authorized agent or solicitor acting in this transaction for the transferee(s);
- ☒ (c) ~~the President, Vice President, Secretary, Treasurer, Director~~ or Manager authorized to act for HYDRO ONE NETWORKS INC. (the transferee(s));
- ☐ (d) a transferee and am making this affidavit on my own behalf and on behalf of (insert name of spouse or same-sex partner) \_\_\_\_\_ who is my spouse or same-sex partner.
- ☐ (e) the transferor or an officer authorized to act on behalf of the transferor company and ☐ I am tendering this document for registration and ☐ no tax is payable on registration of this document.

2. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

- |  |    |                 |  |                 |
|--|----|-----------------|--|-----------------|
| (a) Monies paid or to be paid in cash  | \$ | <u>1000.00*</u> | All blanks<br>must be filled in.<br>Insert "Nil"<br>where<br>applicable. |                 |
| (b) Mortgages (i) Assumed (principal and interest)   | \$ | <u>Nil</u>      |  |                 |
| (b) (ii) Given back to vendor  | \$ | <u>Nil</u>      |  |                 |
| (c) Property transferred in exchange (detail below in paragraph 6)   | \$ | <u>Nil</u>      |  |                 |
| (d) Other consideration subject to tax (detail below)  | \$ | <u>Nil</u>      |  |                 |
| (e) Fair market value of the lands (see instruction 2)   | \$ | <u>Nil</u>      |  |                 |
| (f) Value of land, building, fixtures and goodwill<br>subject to Land Transfer Tax (Total of (a) to (e))                                 | \$ | <u>1000.00*</u> | \$   | <u>1000.00*</u> |
| (g) Value of all chattels - items of tangible personal<br>property which are taxable under the provisions<br>of the Retail Sales Tax Act | \$ |                 | \$   | <u>Nil</u>      |
| (h) Other consideration for transaction not included in (f) or (g) above   | \$ |                 | \$   | <u>Nil</u>      |
| (i) Total Consideration  | \$ |                 | \$   | <u>1000.00*</u> |

3. To be completed where the value of the consideration for the conveyance exceeds \$400,000.00

I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land conveyed in the above-described conveyance:

- ☐ does not contain a single family residence or contains more than two single family residences;
- ☐ contains at least one and not more than two single family residences; or
- ☐ contains at least one and not more than two single family residences and the lands are used for other than just residential purposes. The transferee has accordingly apportioned the value of consideration on the basis that the consideration for the single family residence is \$ \_\_\_\_\_ and the remainder of the lands are used for \_\_\_\_\_ purposes.

**Note:** Subsection 2(1)(b) imposes an additional tax at the rate of one-half of one percent upon the value of consideration in excess of \$400,000.00 where the conveyance contains at least one and not more than two single family residences and 2(2) allows an apportionment of the consideration where the lands are used for other than just residential purposes.

4. If the consideration is nominal, is the land subject to any encumbrance? ☐ Yes ☒ No

5. Other remarks and explanations, if necessary. This Transfer of Easement is given for the purpose of transmitting electrical energy. No consideration is passing directly or indirectly. \*The payment is an administration fee and no Land Transfer Tax is payable

Sworn/affirmed before me in the Town of Markham

In the Province of Ontario

this 6th day of June, 2012

A Commissioner for taking Affidavits, etc.

Melissa Faye Kozlos, a Commissioner, etc.,  
Province of Ontario,  
for Hydro One Networks Inc.  
Expires April 6, 2016.

Signature(s)  
Robert S. Thomson  
Acquisition and Special Projects Supervisor  
Real Estate Services  
Hydro One Networks Inc.  
I have Authority to Bind the Corporation

Property Information Record

A. Describe nature of instrument: TRANSFER OF EASEMENT

B. (i) Address of property being conveyed (if available) N/A

(ii) Assessment Roll No. (if available) N/A

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed  
185 Clegg Road, Markham, ON, L6G 1B7

D. (i) Registration number for last conveyance of property being conveyed (if available) N/A

(ii) Legal description of property conveyed: Same as in D.(i) above. ☐ Yes ☒ No ☐ Not Known

E. Name(s) and address(es) of each transferee's solicitor:

Hydro One Networks Inc., 483 Bay Street, Toronto, ON, M5G 2P5

School Support (Voluntary Election) (See reverse for explanation)

- (a) Are all individual transferees Roman Catholic? ☐ Yes ☐ No
- (b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? ☐ Yes ☐ No
- (c) Do all individual transferees have French Language Education Rights? ☐ Yes ☐ No
- (d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? ☐ Yes ☐ No

**Note:** As to (c) and (d) the land being transferred will receive French Public School Board Election unless otherwise directed in (a) and (b).

SCHEDULE						
PART	MINING CLAIM	LOCATION	AREA (ha.)	PIN/INST./CROWN	RIGHTS AVAILABLE	REMARKS
1	-	PART OF SHORE RESERVE IN FRONT OF LOT 1, REGISTERED PLAN M-411	0.002±	CROWN	-	-
2	-		0.093±	CROWN	-	-
TOTAL AREA			0.095±			
GEOGRAPHIC TOWNSHIP OF OLIVE (UNSUBDIVIDED)						

I REQUIRE THIS PLAN TO  
BE DEPOSITED UNDER  
THE LAND TITLES ACT.

**FEBRUARY 7<sup>th</sup>, 2011.**  
DATE

*P. A. Blackburn*  
P. A. BLACKBURN  
ONTARIO LAND SURVEYOR

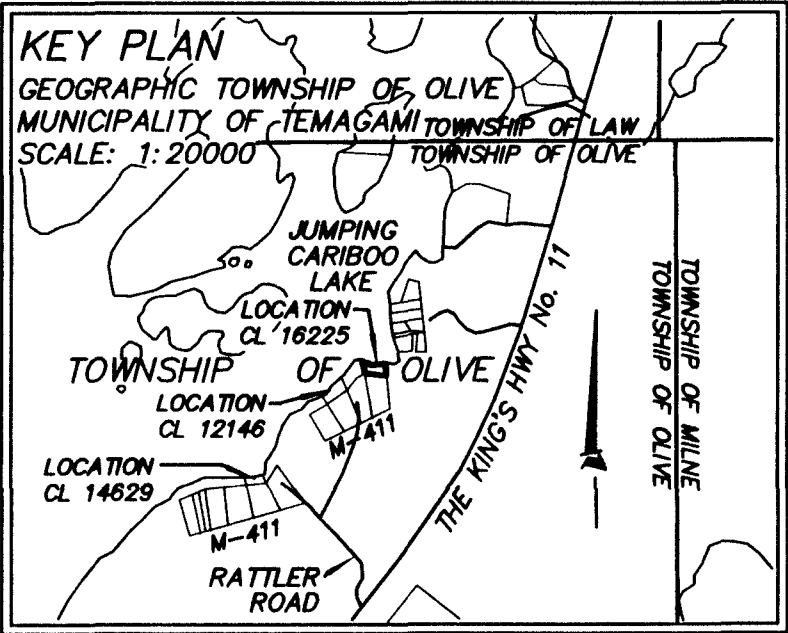
PLAN 36R-13010

RECEIVED AND DEPOSITED

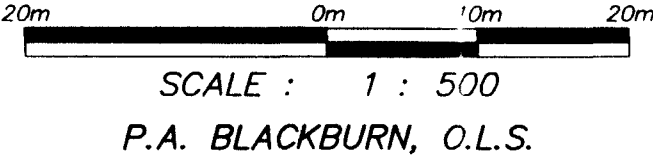
**Feb 8/2011**  
DATE

*[Signature]*  
ASS'T DEPUTY LAND REGISTRAR  
FOR THE LAND TITLES  
DIVISION OF NIPISSING.

PERMISSION TO DEPOSIT THIS PLAN OF SURVEY OF CROWN  
LAND WAS GIVEN BY THE SURVEYOR GENERAL OF ONTARIO  
ON THE 7th DAY OF FEBRUARY, 2011.



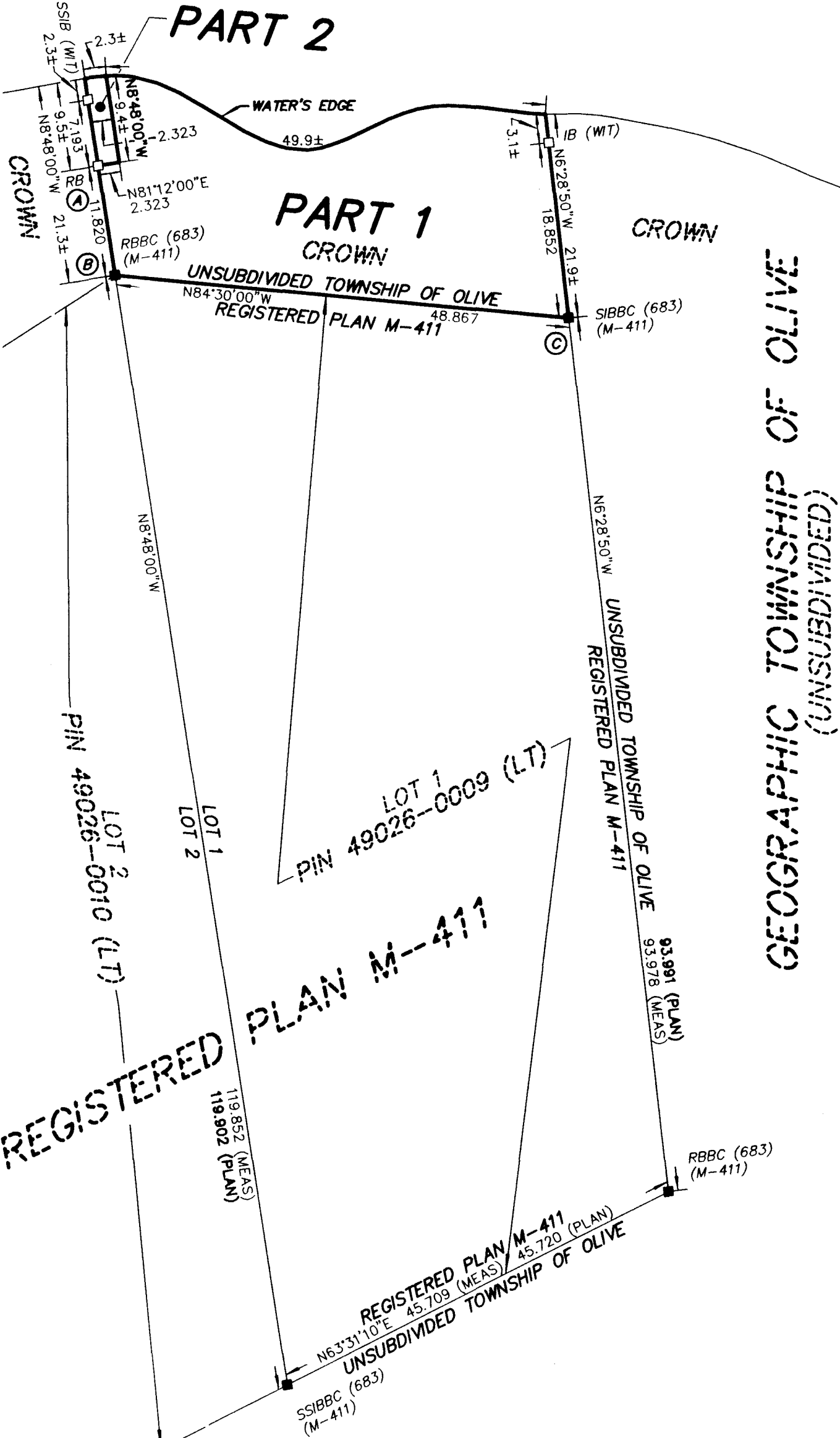
PLAN OF SURVEY OF LOCATION CL 16225  
BEING IN FRONT OF  
LOT 1, REGISTERED PLAN M-411  
GEOGRAPHIC TOWNSHIP OF OLIVE  
(UNSUBDIVIDED)  
**MUNICIPALITY OF TEMAGAMI**  
DISTRICT OF NIPISSING



HORIZONTAL CONTROL MONUMENTS USED TO INTEGRATE SURVEY		
POINT ID	NORTHING	EASTING
0011958U2940	5192067.962	593921.802
0011993U716	5190978.093	593411.805

POINT ID	NORTHING	EASTING
Ⓐ	5192691.799	593960.543
Ⓑ	5192680.122	593962.350
Ⓒ	5192675.436	594010.975

ALL COORDINATES ARE IN METRES, ARE RELATED TO UTM ZONE 17  
(81° W) NAD83 (CSRS) (1997.0) AND HAVE A RELATIVE ACCURACY  
TO MEET THE REQUIREMENTS OF REMOTE AREA AT A  
95% CONFIDENCE LEVEL.



#### UNIT NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

#### LEGEND

- PLAN - DENOTES REGISTERED PLAN M-411
- 683 - DENOTES M.N. SIMPSON, O.L.S.
- UTM - DENOTES UNIVERSAL TRANSVERSE MERCATOR GRID SYSTEM
- WT - DENOTES WITNESS MONUMENT
- - DENOTES MONUMENT ORIGINATING FROM PRIOR LEGAL SURVEY
- - DENOTES MONUMENT ORIGINATING FROM CURRENT SURVEY

#### SCALE FACTOR NOTE

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES  
AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY  
THE AVERAGE COMBINED SCALE FACTOR OF 0.99966.

#### WATER'S EDGE NOTE

JUMPING CARIBOO LAKE IS REGULATED BY A WEIR AT ITS OUTLET. THE WEIR WAS  
ESTABLISHED TO MAINTAIN WATER ELEVATIONS FOR EXTENDED PERIODS OF TIME.

THE CURRENT WATER'S EDGE IS CONSIDERED TO BE THE BEST AVAILABLE EVIDENCE  
OF THE WATER'S EDGE EXISTING AT THE TIME OF THE ORIGINAL SURVEY OF  
JUMPING CARIBOO LAKE.

THE WATERSIDE LIMIT OF PART 1 IS THE AMBULATORY LIMIT OF JUMPING CARIBOO LAKE.

#### CONVERGENCE NOTE

FOR BEARING COMPARISONS, A COUNTERCLOCKWISE ROTATION OF 0°53'50"  
WAS APPLIED TO REGISTERED PLAN M-422 BEARINGS TO CONVERT TO  
UTM BEARINGS.

#### BEARING NOTE

BEARINGS ARE UTM GRID DERIVED FROM TOTAL STATION TRAVERSE BETWEEN  
EXISTING CONTROL MONUMENTS No.0011953U2940 AND No.0011993U716  
HAVING A GRID BEARING OF N25°04'37"E, AND ARE REFERRED TO THE CENTRAL  
MERIDIAN OF UTM ZONE 17 (81° W LONGITUDE) NAD83 (CSRS) (1997.0).

#### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
AND THE REGULATIONS MADE UNDER THEM;
- THE SURVEY WAS COMPLETED ON THE 7th DAY OF OCTOBER, 2010.
- THIS PLAN AND FIELD NOTES WAS PREPARED FROM AN ACTUAL SURVEY  
PERFORMED UNDER MY PERSONAL SUPERVISION AND I WAS PRESENT ON THE  
SITE DURING THE PROGRESS OF THIS SURVEY.

NORTH BAY, ONTARIO  
OCTOBER 20th, 2010.

*P. A. Blackburn*  
P. A. BLACKBURN  
ONTARIO LAND SURVEYOR

**P.A. BLACKBURN LIMITED**  
ONTARIO LAND SURVEYORS

FIELD	OFFICE	FILE
PAB, LGS, CW	RFL	10510



Artist: Hugh McKenzie, Temagami

## Clearwater Planning Inc.

Karen Beauchamp, MCIP, RPP, CMO

Box 451 Temagami ON P0H 2H0

Email: [karen@clearwaterplanning.ca](mailto:karen@clearwaterplanning.ca)

Phone: 705 358 9941 (c)

### **Minor Variance Application Planning Report**

**Date:** December 17, 2019

**Applicants:** Rob and Lynne Wolstenholme

**Subject Land:** 61 Rattler Road

#### **Legal Description:**

PIN 49026-0009 LT Parcel 1-1 Sec 36M411 Summer Resort L1 PI M411 Olive, Temagami, District of Nipissing

PIN 49026-0057 Surface Rights Only Location CL16255 Being Pt of Olive, Lying in front of Lt 1 M411 Temagami Pts 1 & 2 36R13010; Subject to an easement over Pt 2 36R13010 as in BS111122; Municipality of Temagami

Note: The following documents are attached: Parcel Register for PIN 49026-0009, Parcel Register for PIN 49026-0057; Plan 36M411, 36R13010, and BS111122 (Hydro One Easement).

**Roll Number:** 4869-840-000-03000-0000

#### **Background and Purpose of the Application**

Rob and Lynne Wolstenholme purchased their cottage property in 2009 (PIN 49026-0009) The property is on Jumping Cariboo Lake in Olive Township and is accessed from Highway 11 by Rattler Road. It is Lot 1 in a four-lot subdivision that was originally created by the Crown (Plan of Subdivision 36M411).

When they purchased the property, there was a 57m<sup>2</sup> cottage, 2 docks, a shed; and a Class 4 septic system that was constructed in 2001 under permit 01-228227.

Shortly after Wolstenholme's became owners of the property, they applied to purchase the Crown Reserve in front of their lot. The survey was completed in 2011 (Reference Plan 36R13010) and in 2016 ownership of the Crown Reserve was transferred to the applicants from the Crown (PIN 49026-0057). The Crown registered an

---

easement over Part 2 Plan 36R13010 in favour of Hydro One Networks for the pad mount transformer and hydro service to the property (Easement Agreement BS111122).

In 2011, the owners constructed a 56m<sup>2</sup> main dwelling and converted the existing cottage into a sleep cabin with a bathroom. In 2012 they obtained a Minor Variance to permit the construction of a deck on the main dwelling that was 12.2m from shore whereas the zoning by-law requires 15m; and 1.4m from the side lot line whereas the zoning by-law requires 5m (Application M-12-01). In 2016 they obtained a Minor Variance to close in the deck at the front of the main dwelling to make an enclosed porch (Application M-16-08).

The purpose of this Minor Variance application is to close in the remaining deck on the east side of the cottage to make additional living room space. The existing deck is 3.6 m x 6.7 m. The deck is located 12.2 m from shore and 1.4 m from the side lot line as approved by the Minor Variance in 2012. The 2012 Minor Variance was specifically for a deck; therefore, a new Minor Variance is required to close in the deck to make additional living room space. There will be no increase in footprint. The enclosure will be constructed on the existing deck and footings with no additional excavation required.

The cottage currently has ground floor area of 74m<sup>2</sup> (796 s.f.) With the enclosed deck the ground floor area will be 98m<sup>2</sup> (1054 s.f.). The building footprint will remain the same because the enclosed deck will be on the existing footings.

Darryl Regimbal, BCIN qualified designer with DRDesigns advises that the existing footings are built to Ontario Building Code standards and are adequate the conversion from a deck to living room space. The construction drawings are attached for the Committee's consideration.

### **Site Visit**

A site visit was conducted on September 30, 2019 at 3pm and October 3, 2019 at 2 pm by Karen Beauchamp with the owner, Lynne Wolstenholme present. Photos were taken for the Committee's consideration. The deck that is proposed to be closed in is on the east side of the main cottage. There are no neighbours on the east side because the property abuts Crown Land. The Crown Land lot has dense vegetation that appears to be undisturbed. The boathouse and a row of mature trees are located in front of the cottage and screen the deck from the lake.

The cottage is painted dark brown and blends in with the natural environment. The enclosed porch will also be painted dark brown to match the existing cottage.

### **Site Analysis**

The lot is 0.58 ha in area with 52.2m of water frontage on Jumping Cariboo Lake and 141.2m deep. The lot is fairly level at the lake and rises rapidly toward the rear of the lot. As shown on the topo map attached, there is a 20 m rise in elevation from the lake to the rear lot line which equals a 14% slope. The Crown Land on the south and east sides of the lot is dense bush. There is also dense bush between this lot and the neighbours property on the west side.

There is a main dwelling, sleep cabin, Class 4 septic system, water-based boathouse, 2 docks and 3 sheds. All of the buildings are painted a dark brown to blend in with the natural environment and with the exception of the

boathouse, none of the buildings are visible from the lake. The owners have done a very good job of maintaining natural trees and vegetation on the property to screen the structures from the lake.

### **Access and Servicing**

Rattler Road is located on the west side of Highway 11. It is a private road over Crown Land and is maintained by the property owners who use the road. There is a Class 4 septic system that was installed under permit in 2001. The dwelling and sleep cabin are serviced by this septic system and both take water from the lake.

### **Adjacent Land Uses**

North: Jumping Cariboo Lake  
South: Crown Land  
East: Crown Land  
West: Residential

### **Planning Analysis**

#### ***Provincial Policy Statement (2014)***

*1.1.5.2 On rural lands located in municipalities, permitted uses are:*

- a. the management or use of resources;*
- b. resource-based recreational uses (including recreational dwellings);*
- c. limited residential development;*
- d. home occupations and home industries;*
- e. cemeteries; and*
- f. other rural land uses.*

*1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.*

*1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

*1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.*

The subject land conforms to the Provincial Policy Statement in the following ways:

- ✓ The subject land is located on rural lands within the Municipality of Temagami.
- ✓ Resource based recreational dwellings and limited residential development are permitted uses on rural lands.
- ✓ The property is compatible with the rural landscape, is accessed by a private road over crown land, has an approved onsite sewage system and takes water from the lake.
- ✓ The property also has docks and a water-based boathouse that were constructed under permit from Ministry of Natural Resources and Forestry.
- ✓ There is no requirement for expansion of infrastructure.

In my opinion the Minor Variance is consistent with the Provincial Policy Statement.

### **Growth Plan for Northern Ontario (2011)**

The Growth Plan for Northern Ontario was developed under the Places to Grow Act to ensure greater growth occurs in an economically and environmentally sustainable manner.

In my opinion, the Minor Variance does not conflict with the Growth Plan for Northern Ontario.

### **Municipality of Temagami Official Plan**

The subject property is located in the Marten River Neighbourhood and is designated Integrated Management Area.

#### *6.0 Marten River Neighbourhood*

##### *6.2 Principles and Goals*

###### *6.2.1 Land Use*

*It is the fundamental goal of the Municipality for the Marten River Neighbourhood to encourage Tourist Commercial development throughout the Neighbourhood and rural and remote residential development in appropriate locations.*

*It is also a goal of the Municipality to preserve the natural environment of the Neighbourhood while permitting some development.*

##### *6.3 General Policies*

###### *6.3.2 Permitted Uses*

*Permitted uses in the Marten River Neighbourhood focus on recreational, residential and Tourist Commercial uses and include the following.*

*Residential uses permitted within the Marten River Neighbourhood are limited to:*

- Permanent or seasonal single detached dwelling units;*
- Residential condominiums or timeshare facilities converted from an existing tourist commercial facility;*
- Sleep cabins (in conformity with the policies of this Plan and the provisions of the Zoning By-law); and*
- Accessory uses such as boathouses, docks and storage sheds.*

###### *6.3.3 Rural Residential and Remote Residential*

*Some Rural Residential and Remote Residential development exists within the Marten River Neighbourhood and more is anticipated in the Special Management Area and the Integrated Management Area.*



*Properties will not be serviced with municipal water or sewers but Rural Residential lots must be located on Municipal roads while Remote Residential lots will be water access.*

*The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semiwilderness values.*

*Certain accessory uses are permitted on Remote Residential dwelling lots in addition to a boathouse and include sleep cabins, a home occupation, a home industry, a bed and breakfast establishment and a garage, in accordance with the provisions of the Zoning Bylaw.*

## 6.4 Land Use Designations

### 6.4.1 Integrated Management Area

*The Integrated Management Area land use designation recognises those Crown land areas and patent lands where resource management activities and recreational uses may be integrated. To achieve this, resource extraction activities shall be carefully managed to ensure compatibility with the significant uses and values.*

*Uses permitted within the Integrated Management Area land use designation in the Marten River Neighbourhood are limited to existing and new private residential development, in accordance with the policies of Section 6.3.3 and other relevant policies of this Plan.*

*Schedule B2 – Values* – The Official Plan Schedule B2 indicates that there are no Natural Heritage or Cultural Heritage sites located on the subject land or on lands adjacent to the subject land.

The Minor Variance is consistent with the Official Plan policies in the following ways:

- ✓ Permanent or seasonal detached dwelling units are permitted as well as accessory uses including a boathouse and sleep cabin.
- ✓ The property is considered remote because it is accessed by a private road over Crown Land rather than a municipal or provincial road.
- ✓ The property is not serviced with municipal water and sewer.
- ✓ The proposed enclosed porch is being constructed on the same footprint and same footings as the existing deck. The deck is not visible from the lake because it is screened by the boathouse and a row of mature trees. The deck is on the east side of the lot which abuts crown land. The development impact of closing in the deck is mitigated to the extent possible to conserve wilderness and semi wilderness values.
- ✓ The proposed Minor Variance preserves the natural environment while permitting some development.

In my opinion, the Minor Variance maintains the general intent and purpose of the Official Plan.

## Cultural Heritage Considerations

With no work being done on Crown Land and no further excavation of soils on the subject land, from a Provincial Policy and Official Plan perspective an Archaeological Assessment is not warranted.

However, in 1996, Teme-Augama Anishnabai selected Crown lands to be set aside by the Ontario government to provide new economic development opportunities for the Temagami Indigenous community and facilitate settlement of the Teme-Augama Anishnabai (TAA) land claim. The subject land is situated in Olive Township which is part of the Lands Set Aside for Temagami First Nation.

It is anticipated that the Municipality will forward a copy of the complete application to Temagami First Nation as part of the public consultation process for the Minor Variance.

## Municipality of Temagami Zoning By-law

The subject land is zoned R2 – Remote Residential in the Zoning By-law.

### SECTION 7.5 - REMOTE RESIDENTIAL (R2)

#### ZONE 7.5.1 PERMITTED USES

*No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:*

- *permanent dwelling unit or a seasonal dwelling unit*
- *sleep cabins*, subject to the provisions of Section 6.41
- *a water based boathouse*, in accordance with Section 6.06 or
- *a land based boathouse*, in accordance with Section 6.06 and 6.40
- *a detached garage in accordance with Section 7.5.2*
- *other accessory buildings*, in accordance with section 6.04

#### 7.5.2 ZONE REQUIREMENTS

*No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:*

#### **The lot:**

- a) Minimum lot frontage 60.0 m*

**b) Minimum lot area 0.8 ha/ 1.0 ha with drilled well**

**c) Maximum lot area 1.5 ha**

*d) Minimum distance from a Waste Disposal Site 500 m straight line distance for new Crown lots only*

*e) Minimum distance from a lake access point 500 m straight line distance for new Crown lots only*

*f) Minimum distance from a tourist 500.0 m straight line distance for new commercial site Crown lots only*

*g) Minimum distance from a residential lot 200.0 m straight line distance for new Crown lots only*

**h) Total lot coverage (%) 8.0**

**Any dwelling unit:**

**a) Minimum distance from the shore 15.0 m**

**b) Minimum rear yard 5.0 m**

**c) Minimum side yard 5.0 m**

**d) Maximum building height 9.0 m**

**e) Maximum gross floor area 464.0 sq m**

The table below shows how the property conforms to the Zoning By-law requirements.

Performance Standard	Zoning By-law	Property	Conforms to Zoning?
<b>a) Minimum distance from the shore</b>	<b>15 m</b>	<b>12.2 m</b>	<b>No</b> <b>Minor Variance Required</b>
b) Minimum rear yard	5m	69 m	Yes
<b>c) Minimum side yard</b>	<b>5 m</b>	<b>1.4 m</b>	<b>No</b> <b>Minor Variance Required</b>
d) Maximum building height	9m	8 m	Yes
e) Maximum gross floor area	464 m <sup>2</sup>	153 m <sup>2</sup>	Yes
f) Total lot coverage*	8%	3.25%	Yes

g) Total SAA Coverage*	10%	2.8%	Yes
h) Total number of accessory buildings in addition to sleep cabin and boathouse	3	3	Yes

\*Note:

Permitted Lot Coverage as per Zoning By-law: Lot is .58 ha = 5800 m<sup>2</sup> x 8% = 464 m<sup>2</sup>

Total lot coverage is 189 m<sup>2</sup>/5800 = 3.25%

Permitted Coverage in SAA is .095ha = 950m<sup>2</sup> x 10% = 95m<sup>2</sup>

Total SAA coverage is 26.9m<sup>2</sup>/950m<sup>2</sup> = 2.8%

The proposed variance maintains the general intent and purpose of the zoning by-law in the following ways:

- ✓ A permanent dwelling unit or a seasonal dwelling unit are permitted uses in the R2 Remote Residential Zone
- ✓ A sleep cabin, water-based boathouse, and accessory structures are permitted uses in the R2 Zone
- ✓ The lot area (0.58ha) and lot frontage (52.2m) make the lot legal non-complying because it was created by subdivision in 1970 which pre-dates the Municipality's Zoning By-law (2006).
- ✓ All of the Zone requirements are met with the exception of the distance from the shore and the minimum side yard.
- ✓ The increase of 24 m<sup>2</sup> in gross floor area is a minor change to the building mass.
- ✓ The distance from the shore in the amount of 12.2 m and side yard in the amount of 1.4 m was approved by Minor Variance in 2012. The zoning by-law requires 15m and 5 m respectively.
- ✓ Closing in the deck to make additional living area will not further decrease the existing setbacks. The enclosed deck will be constructed on the same footings with no additional site work required.
- ✓ The enclosed deck is screened from the lake by the boathouse and a row of mature trees. There are no neighbours on the east side because the lot abuts crown land which has dense bush.
- ✓ The enclosed deck is not visible to any neighbours, nor passing boat traffic.

In my opinion, the Minor Variance maintains the general intent and purpose of the Zoning By-law.

## **Conclusion**

The Planning Act requires that in order for a Minor Variance application to be approved by the Committee of Adjustment, it shall meet 4 tests under the Planning Act as follows:

- 1. Does the variance maintain the general intent and purpose of the Official Plan?**
- 2. Does the variance maintain the general intent and purpose of the Zoning By-law?**

Based on the discussion above, the Minor Variance meets the general intent and purpose of the Official Plan and Zoning By-law. The owners will also enter into a Site Plan Control Agreement with the Municipality prior to obtaining a Building Permit.

- 3. Is the variance desirable for the appropriate development or use of the land?**

The enclosed porch is buffered from the lake by the water-based boathouse and a row of mature trees. No vegetation will be removed or disturbed. The proposed variance is not visible from the neighbours and will not impact their views from the lake. The enclosed porch is located on the side of the cottage that abuts Crown Land. The enclosed porch is being constructed on the existing footings and deck so there will be no further excavation or site work required.

- 4. Is the variance minor in nature?**

The distance from the shore in the amount of 12.2 m and the distance from the side lot line in the amount of 1.2 m was permitted by Minor Variance in 2012. However, the 2012 Minor Variance was specifically for a deck. These setbacks were established at that time and will be maintained as the existing porch will be closed in to become additional living room space.

In my opinion, the application for Minor Variance meets the general intent and purpose of the Official Plan and Zoning By-law, is desirable for the appropriate development of the land, and is minor in nature.

The owners are prepared to enter into a new Site Plan Control Agreement with the Municipality prior to obtaining a Building Permit. They will request that the 3 agreements registered on title be de-registered so that only there will be only one agreement registered on title moving forward.

Respectfully submitted by,  
*Karen Beauchamp*

Karen Beauchamp, MCIP RPP CMO  
Clearwater Planning Inc.



MV-20-01

PHOTOGRAPHS – 61 RATTLER ROAD





BEDROCK STEEP SLOPE  
REAR OF COTTAGE





PHOTO OF CROWN LAND  
FROM DECK

## PHOTO FROM DECK







PHOTO FROM DECK (2)



PHOTO OF LAKE FROM  
DECK





## STEEP DRIVEWAY





## STEEP SLOPE DRIVEWAY





# TEMAGAMI FIRST NATION

**BEAR ISLAND**  
**LAKE TEMAGAMI, ONTARIO P0H 1C0**  
TEL 1.888.737.9884 or 705.237.8943  
tfn@temagamifirstnation.ca  
www.temagamifirstnation.ca

January 15, 2020

Tammy Lepage, Municipality of Temagami

Re: application MV-20-01, sent via email

Dear Tammy,

We would like to address consent application MV-20-01, also referred to as the Wolstenholme property, located at 61 Rattler Road, in Olive Township. We have two primary concerns within proximity of the property.

1. Near the property there is a canoe route and a portage. The canoe route is approximately 150m from the property, and the portage is approximately 300m from the property. We would like to ensure that there would be no resulting increase in visibility from these routes from this deck enclosure.
2. We would like to state for the record that this property sits on an area of high archaeological potential. We understand that no soil will be moved if this application is approved. However, we feel it is best to put this concern on the official record as soon as possible, in case the property owners decide to build additions in the future.

Given that this property sits on an area of high archaeological potential, we would ask for appropriate action to be taken if artifacts (including bone fragments or fire broken rock) were uncovered.

Appropriate action includes immediately contacting the Ministry of Tourism Culture and Sport as well as contacting Temagami First Nation to determine whether or not a licensed archaeologist needs to attend the site.

Finally, please provide us with all planning reports and the final decision for this property.

Regards,

**Victoria Winsor | GIS Intern**

[landstech@temagamifirstnation.ca](mailto:landstech@temagamifirstnation.ca)

1-705-237-8600 ext. 210





# Municipality of Temagami

## MINOR VARIANCE APPLICATION PLANNING CLERK REPORT

Report Date: | January 20, 2020

<b>REPORT PREPARED FOR:</b>	<b>COMMITTEE OF ADJUSTMENT</b>
<b>REPORT PREPARED BY:</b>	T. LEPAGE, PLANNING CLERK
<b>REPORT REVIEWED BY:</b>	J. ROBINSON, MCIP, RPP, MHBC PLANNING CONSULTANT
<b>APPLICATION NO.:</b>	MV-20-01
<b>DATE OF NOTICE OF HEARING:</b>	January 16, 2020
<b>DATE OF HEARING:</b>	January 30, 2020
<b>SUBJECT LAND:</b>	61 Rattler Road
<b>APPLICANT:</b>	Karen Beauchamp of Clearwater Planning, on behalf of Rob and Lynn Wolstenholme



## APPLICATION REVIEW

The intake review of the application was deemed to be complete on January 14, 2020. Notice of the Public Hearing was given by circulating prescribed persons and agencies, posting at the subject property, and postings on the Municipality's website, and posting on the Welcome Centre notice board on January 16, 2020.

## BACKGROUND

Karen Beauchamp of Clearwater Planning has submitted an application on behalf of the owners, Rob and Lynne Wolstenholme, for a Minor Variance to permit an addition to the existing dwelling to increase the amount of living room space. The proposed addition is located over an existing deck on the east side of the cottage.

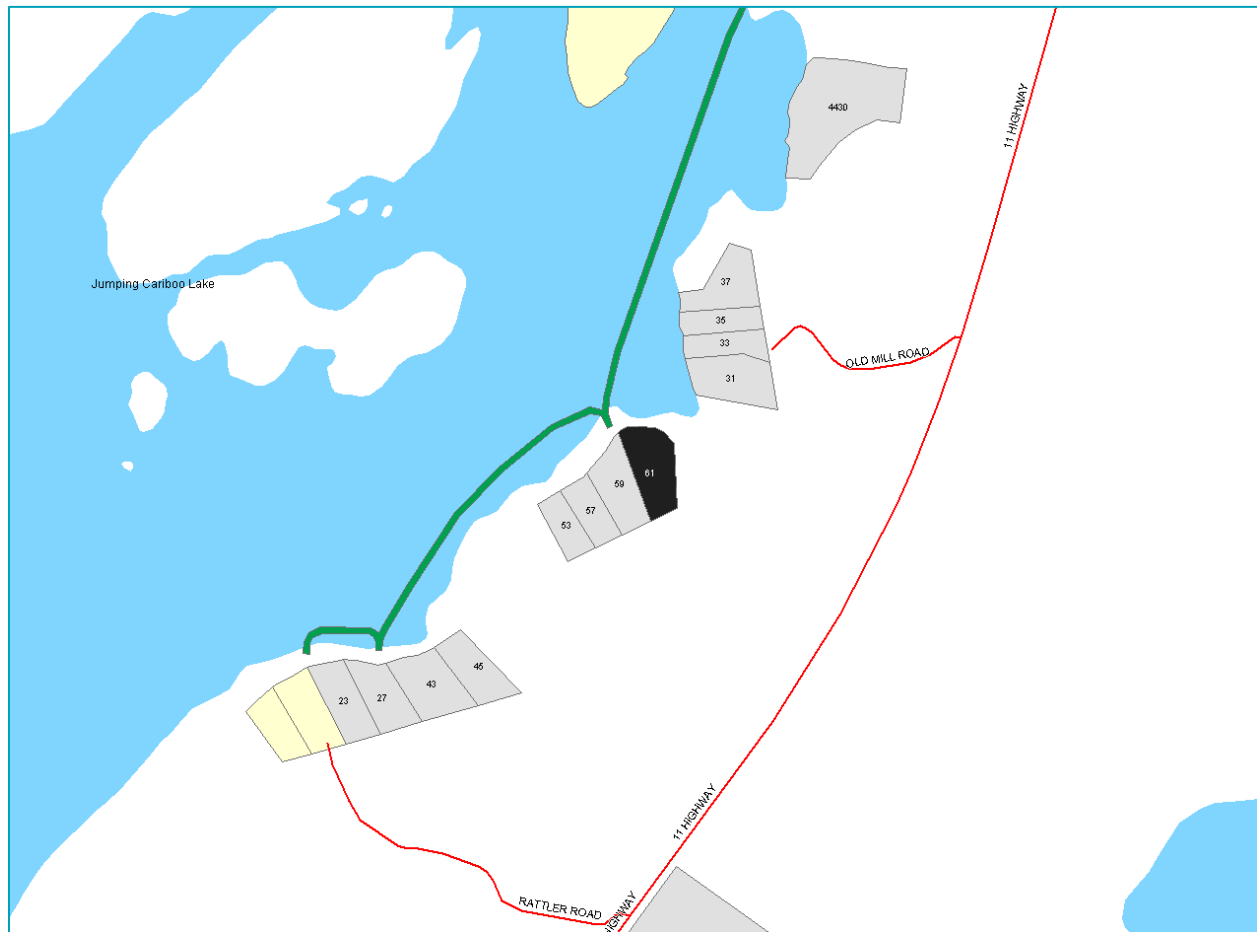
The subject property is located at 61 Rattler Road which is located on Jumping Caribou Lake. The subject property legally described as: PCL-1-1 SECONDED BY 36M411; SUMMER RESORT LT 1 PL M411 OLIVE; SURFACE RIGHTS ONLY LOCATION CL16225 BEING PT OF OLIVE, LYING IN FRONT OF LT 1 M411 TEMAGAMI PTS 1 & 2 36R13010 SUBJECT TO AN EASEMENT OVER PART 2 36R13010 AS IN BS11122; TEMAGAMI; DISTRICT OF NIPISSING.

On September 15, 2016, a Minor Variance approval was granted for application MV-16-08, to permit a covered porch located at a setback of 12.2 metres (40 feet) from the shore where 15 metres (49 feet) is required by the Zoning By-law. On April 23, 2012, a Minor Variance approval was granted for application M-12-01 to permit a deck at a setback of 12.2 metres (40 feet) from the shore where 15 metres (49 feet) is required by the Zoning By-law, and to permit a deck at a setback of 1.4 metres (4.5 feet) from a side lot line where 5 metres (11.5 feet) is required by the Zoning By-law.

The subject property also has Site Plan Agreement (No. SPC-11-01) that was granted previously for the construction of a new main cottage, and for the conversion of the main cottage into the sleep cabin, with the removal of the kitchen. SPC-11-01 was previously amended by SPC-12-04 which included the construction of the deck in 2012, and amended further by SPC SPC-16-12 which included the construction of a crib dock, a two slip boathouse, and a covered porch in 2016.

The subject property is shown in black on Figure 1.

## Figure 1: Subject Property

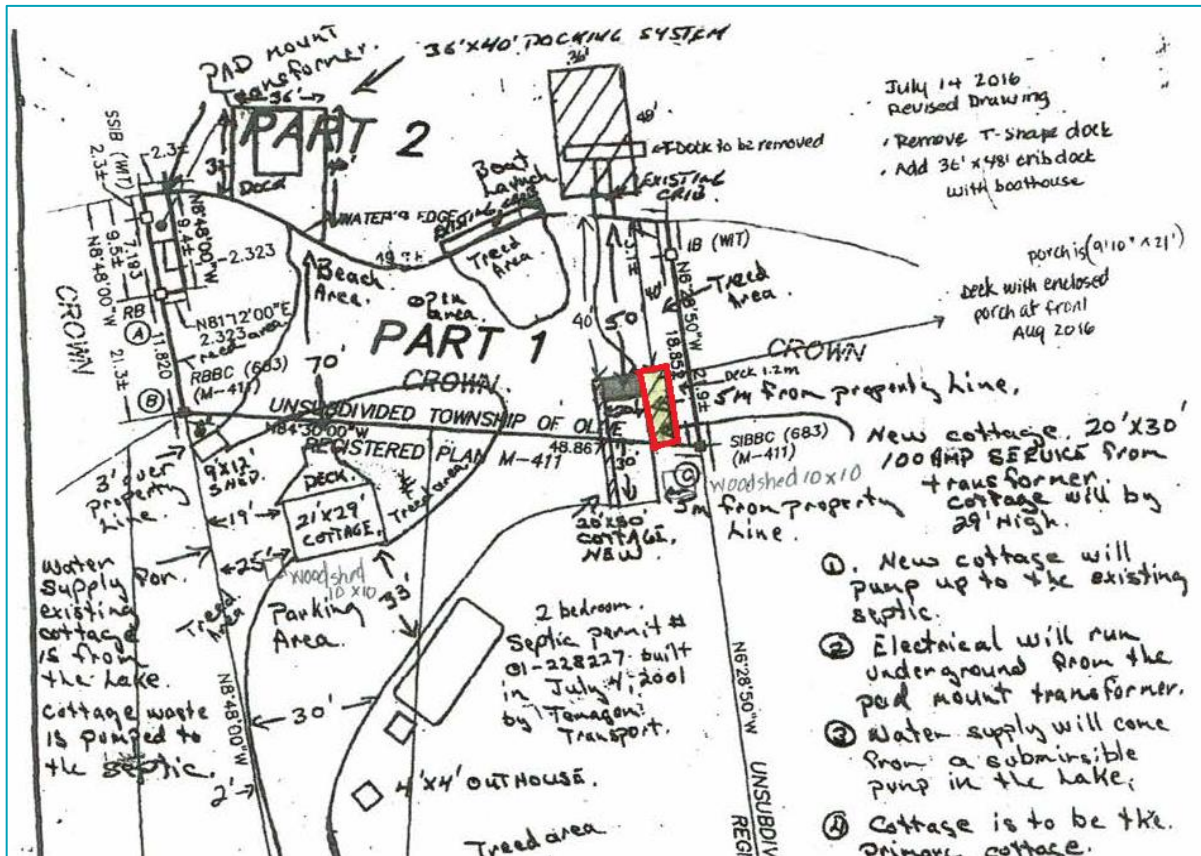


### PROPOSAL

The purpose of the application is to permit an addition to the existing dwelling to increase the amount of living room space. The proposed addition is located over an existing deck on the east side of the cottage. The proposed addition is 3.6 metres by 6.7 metres (11.5 feet by 22 feet) and is 24 square metres (264 square feet) in floor area. The existing cottage is 6 metres (19.5 feet) by 12.2 metres (40 feet) and has a total floor area of (74 square metres = 796 square feet). The existing cottage is one and one-half stories and has a gross floor area of 129 square metres (1,388 square feet). Including the proposed addition over the existing deck, the floor area of the cottage is proposed to be 98 square metres (1,054 square feet), and the gross floor area is proposed to be 153 square metres (1,646 square feet). The proposed addition is outlined in red, and is shown on Figure 2.



## Figure 2: Sketch of Development



The subject property is designated Integrated Management Area in the Marten River Neighbourhood of the Official Plan of the Corporation of the Municipality of Temagami; and is zoned Remote Residential (R2) in the Municipality of Temagami Zoning By-law 06-650.

### SITE ANALYSIS

The subject property is 0.58 hectares in lot area, and has a lot frontage on Jumping Caribou Lake of 52.2 metres. There are other shoreline residential properties located to the west of the subject property. There are no neighbours on the east and south side of the subject property, as it abuts Crown Land as shown in Figure 3. The surrounding land uses include the following:

- North: Jumping Caribou Lake
- South: Crown Land

- East: Crown Land
- West: Shoreline Residential

## Figure 3: Aerial View



The subject property is currently developed with the following buildings and structures:

- Cottage – 74 square metres (796 square feet);
- Sleep Cabin – 57 square metres (613 square feet);
- Shed One – 38 square metres (409 square feet);
- Shed Two – 10 square metres (108 square feet);
- Shed Three – 10 square metres (108 square feet);
- Water Based boathouse – 132 square metres (1,421 square feet);

The cottage and the sleep cabin is serviced by a Class 4 Septic System. There are also two existing docks located on the shoreline of the subject property.

The existing buildings and structures that are applicable to the calculation for lot coverage on the subject property is 189 square metres (2,034 square feet). The lot coverage on the subject property is 3.25% where a maximum lot coverage of 8% is permitted. Including the proposed addition in the lot coverage calculation (24 square metres or 264 square feet) the proposed lot coverage is 3.7%.

### ACCESS

The subject property is located on the west side of Highway 11. The subject property is accessed by crossing over Crown Land, and the property owners who use the road maintain their access.

### 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.

**Table 1: Applicable Zoning Standards Section 7.5.2 Remote Residential (R2) Zone.**

<b><u>Zone Provisions</u></b>	<b><u>Required Standard</u></b>	<b><u>Proposed</u></b>
<b>Minimum distance from the shore</b>	15.0 metres	12.2 metres Variance is required
<b>Minimum side yard</b>	5 metres	1.4 metres Variance is required

### **The Proposed Variances**

To facilitate the proposed development, the applicant requires a variance to the following sections of the Zoning By-law as shown in Table 1.

- Section 7.5.2 a) Any Dwelling Unit - To reduce the minimum distance for any dwelling unit from the shore to 12.2 metres (40 feet) where a minimum of 15 metres (49 feet) is required. This is a reduction of 2.8 metres (9 feet).
- Section 7.5.2 c) Any Dwelling Unit - To reduce the minimum side yard to 1.4 metres (4.5 feet) where a minimum of 5 metres (16 feet) is required. This is a reduction of 3.6 metres (11.5 feet).

### **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) as set out in the *Planning Act*. A site inspection hasn’t been completed on this subject property by Municipal Staff. 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 Marten River Neighbourhood and is designated Integrated Management Area by the Municipality of Temagami’s Official Plan.

Section 2.14 “Cultural Heritage Features” and Section 9.24 “Complete Application” were reviewed through pre-consultation process. There is one known archaeological site approximately 541 metres away at the closest point from the subject property. The proposed addition located on top of an existing deck does not require ground disturbance. Comments were provided by Temagami First Nation on January 15, 2020. The comments included:

*“...this property sits on an area of high archaeological potential. We understand that no soil will be moved if this application is approved. However, we feel it is best to put this concern on the official record as soon as possible, in case the property owners decide to build additions in the future.”*



No excavating or disruption of the ground is proposed, as the proposed addition will be constructed on the existing deck and footings, therefore Staff do not recommend that an Archaeological Assessment be required in support of the proposed application.

It is however recommended that the Notice of Decision and the new Site Plan Agreement (consolidating the previous Site Plan Agreements) include wording that directs the owners to contact the Ministry of Tourism, Culture and Sport and Temagami First Nation if artifacts are discovered, to determine if a licenced archaeologist needs to attend the site.

During the pre-consultation process, Staff reviewed mapping provided by Land Information Ontario (LIO), for Spawning Areas, Areas of Natural and Scientific Interest (ANSI), Calving Sites, and Aggregates, however none of these features and areas were identified on or on adjacent lands. The Trail Segment was also reviewed which showed a canoe and portaging route adjacent to the shoreline.

The comments from Temagami First Nation also included:

*“The canoe route is approximately 150m from the property, and the portage is approximately 300m from the property. We would like to ensure that there would be no resulting increase in visibility from these routes from this deck enclosure.”*

The applicant notes that the proposed addition is screened by existing tree cover (see photo in Figure 4) and the existing cottage is a dark brown colour that blends in with the surrounding tree cover. The proposed addition is also to be a brown colour. The existing deck and the proposed addition is also located behind the existing boathouse.

Figure 4: View from Deck to Lake





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 proposed addition is located over an existing deck structure, and therefore is not increasing the overall footprint of the existing structure. The shoreline on the subject property appears to contain vegetation that assists in screening the existing development on the subject property. The land between the proposed addition and the shore is screened by existing trees.

The purpose of the minimum development setback from the shore is to maintain the character of the shoreline, and to assist in minimizing the visual impact of development. Due to the location of the proposed addition, no additional trees or vegetation are proposed to be removed, and as referenced, the existing trees on the subject property appear to screen views from the lake.

The addition is proposed no further towards the shore or the side lot line than the existing building. The area to the east of the property is Crown Land and therefore a reduced setback is not expected to cause any negative impacts to adjacent land owners.

Section 6.2.1 provides direction to the land use in the Marten River Neighbourhood and provides the following goals:

- To encourage remote residential development in appropriate locations; and
- To preserve that natural environment of the Neighbourhood while permitting some development.

The shoreline of the subject property appears to be well vegetated as demonstrated in the photographs provided with the application. The development proposed would achieve the goals outlined in 6.2.1 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.

Section 6.3.2 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 Integrated Management Area. Additions to existing cottages are permitted within the Marten River 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 during the pre-consultation review of the application, and provided written comments to the Municipality.

Based on a review of the policies of the Official Plan, the proposed variances meet 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 (R2) Zone of the Municipality's Zoning By-law 06-650. The proposed variances are required to permit an addition to the existing dwelling to increase the amount of living room space.

The proposed variances would permit a minimum distance from the shore of 12.2 metres, and a minimum side yard of 1.4 metres. The R2 Zone requires a minimum setback from the shore of 15 metres, and a minimum side yard of 5 metres.

The minimum distance from the shore requirement exists in the R2 Zone to that buildings are adequately setback from the shore to maintain the character of the area and to promote vegetative buffers between development and the shore. The minimum side yard is to implement setbacks between buildings on surrounding properties, and to ensure access can be provided to and from the front/rear yards.

Existing vegetation is proposed to be maintained between the proposed addition and the shore, and the proposed addition will be screened from view from the shore. The location of the proposed addition is on top of an existing deck and therefore the overall footprint of the structure is to be maintained. The reduced side yard is also an existing setback and the adjacent lands on the east side of the subject property are Crown Land.

The proposed variances would not result in an impact to the existing character of the area, nor impact adjacent land owners.

Section 6.40 of the Zoning By-law was review to ensure compliance with the Shoreline Activity area (SAA) regulations of the Zoning By-law. The SAA is the area within 15 metres of the normal high water mark that maintains the natural viewscape, and protects the environmental integrity of the shoreline on waterfront lots. On lots smaller than 0.8 hectares, the SAA permits a maximum coverage of 100 square metres of structures. The proposed enclosure does not change the amount of development that is currently located within the SAA (calculated at 27 square metres).

Based on the information presented in the application package and our review, the proposed variances meet the intent of the Zoning Bylaw.

**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 construction of an addition. The proposed addition appears to be screened from the Lake by existing vegetation and will not impact views from surrounding properties. The height is not proposed to be increased. The proposed variances are desirable.

**4) Is the variance minor?**

Staff are unable to definitively confirm whether the proposed variances are minor without conducting a site visit. The proposed addition is limited to the location of an existing deck. Given the considerable vegetation on the subject property as evident in the images provided in the application, the existing setbacks from the shore and the side lot line, the lot coverage and the SAA development, the variances could be considered to be minor in nature.

**RECOMMENDATIONS**

Based on the review of Application No. MV-20-01 submitted by Karen Beauchamp of Clearwater Planning on behalf of Rob and Lynne Wolstenholme, the proposed variances meet the intent of the Official Plan, the intent of the Zoning By-law, are desirable, and appear to be minor. It is recommended that the variances be approved subject to the following conditions:

1. That the variance apply to the proposed addition referenced in the application sketch; and
2. Prior to the issuance of a building permit, the Site Plan Control Agreement for the property be repealed and replaced to reflect the proposed variances, and registered on title.
3. That the Site Plan Control Agreement include the following clause:  
*The property is located within an area of high archaeological potential. If artifacts are uncovered on the property, the owners shall contact the Ministry of Tourism, Culture and Sport, as well as Temagami First Nation, to determine whether or not a licensed archaeologist needs to attend the site.*

**COMMENTS RECEIVED FROM AGENCY CIRCULATION AND PUBLIC NOTIFICATION:**

Municipal Departments:

Public Works:

Building:

Tax:

Fire:

Ambulance:

Ministry & Agencies:

**Ministry of Natural Resources and Forestry:** No comments received as of January 20<sup>th</sup>

**Timiskaming Health Unit:** No comments received as of January 20<sup>th</sup>

First Nation Community:

Comments provided from Temagami First Nation are attached below as part of this report.

Interest Groups & Neighbours:



# TEMAGAMI FIRST NATION

**BEAR ISLAND**  
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January 15, 2020

Tammy Lepage, Municipality of Temagami

Re: application MV-20-01, sent via email

Dear Tammy,

We would like to address consent application MV-20-01, also referred to as the Wolstenholme property, located at 61 Rattler Road, in Olive Township. We have two primary concerns within proximity of the property.

1. Near the property there is a canoe route and a portage. The canoe route is approximately 150m from the property, and the portage is approximately 300m from the property. We would like to ensure that there would be no resulting increase in visibility from these routes from this deck enclosure.
2. We would like to state for the record that this property sits on an area of high archaeological potential. We understand that no soil will be moved if this application is approved. However, we feel it is best to put this concern on the official record as soon as possible, in case the property owners decide to build additions in the future.

Given that this property sits on an area of high archaeological potential, we would ask for appropriate action to be taken if artifacts (including bone fragments or fire broken rock) were uncovered. Appropriate action includes immediately contacting the Ministry of Tourism Culture and Sport as well as contacting Temagami First Nation to determine whether or not a licensed archaeologist needs to attend the site.

Finally, please provide us with all planning reports and the final decision for this property.

Regards,

**Victoria Winsor | GIS Intern**

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1-705-237-8600 ext. 210



Committee of Adjustment  
Notice of Decision  
**NOTICE OF DECISION**  
MINOR VARIANCE

1. Application No.: **MV-20-01**
2. Applicant/ Owners: **Karen Beauchamp, Clearwater Planning Inc. on behalf of Robert and Lynne Wolstenholme**
3. Date of Hearing: **January 30, 2020**
4. Date of Decision: **January 30, 2020**
5. Date of Notice of Public Hearing: **January 16, 2020**
6. Zoning: **Remote Residential (R2)**
7. Designation: **Integrated Management Area (Marten River Neighbourhood)**
8. Location and Legal Description of Subject Lands: **61 Rattler Rd; PCL-1-1 SECONDED BY 36M411; SUMMER RESORT LT 1 PL M411 OLIVE; SURFACE RIGHTS ONLY LOCATION CL16225 BEING PT OF OLIVE, LYING IN FRONT OF LT 1 M411 TEMAGAMI PTS 1 & 2 36R13010 SUBJECT TO AN EASEMENT OVER PART 2 36R13010 AS IN BS11122; TEMAGAMI; DISTRICT OF NIPISSING**

**9. Decision**

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

- a) To reduce the minimum distance for any dwelling unit from the shore to 12.2 metres (40 feet) where a minimum of 15 metres (49 feet) is required. This is a reduction of 2.8 metres (9 feet). (Section 7.5.2(a) – Any Dwelling Unit);
- b) To reduce the minimum side yard to 1.4 metres (4.5 feet) where a minimum of 5 metres (16 feet) is required. This is a reduction of 3.6 metres (11.5 feet). (Section 7.5.2 (c) – Any Dwelling Unit)

**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:

1. That the variance apply to the proposed addition referenced in the application sketch; and



2. Prior to the issuance of a building permit, the Site Plan Control Agreement for the property be repealed and replaced to reflect the proposed variances, and registered on title.
3. That the Site Plan Control Agreement include the following clause:  
*The property is located within an area of high archaeological potential. If artifacts are uncovered on the property, the owners shall contact the Ministry of Tourism, Culture and Sport, as well as Temagami First Nation, to determine whether or not a licensed archaeologist needs to attend the site.*

**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 January 20, 2020.

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

Comments received by Temagami First Nation - Canoe & portage routes identified, would like to ensure no increased visibility from these routes from the deck enclosure; and high archaeological potential, if artifacts are uncovered, recommended to contact the Ministry of Tourism, Culture and Sport, as well as Temagami First Nation.

**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:

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Cathy Dwyer, Chair

---

Barry Graham, Member

---

Barret Leudke, Member

---

Bruce Rice, Member

---

Gary Cline, Member

---

Ken Balentine, 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 **February 19, 2020**. 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

The Municipality recognises that the provisions of the Planning Act require it to take action on a development application within a prescribed period of time, subject to the application being complete and adequate information about the proposal being available to the public and the Municipality so that informed decisions can be made.

The Municipality encourages pre-submission consultation on applications to be processed under the Planning Act.

### **9.6.3 Public Education**

Council may undertake a program of planning education for all the residents of the Municipality whenever opportunities may arise and shall be satisfied that an adequate level of public understanding of the Plan exists at the time of formal approval and with any future amendments to the Plan, as they arise.

### **9.6.4 Pre-Application Consultation**

If a person or public body files an application to amend the Official Plan or Zoning By-law or files an application for approval of a draft plan of subdivision/condominium, consent or minor variance, the person or public body shall consult with the Municipality prior to submitting a formal application, to among other things determine the information required in support of the application, as set out in Section 9.24 of this Plan and in accordance with Section 22. (3.1) of the Planning Act.

### **9.6.5 First Nation**

The Municipality shall notify the Band Council of the First Nation of a complete application for Official Plan or Zoning By-law amendment, minor variance, or land division (subdivision, condominium or consent) which is proposed within the Municipality. The Municipality may notify the First Nation of an application that has been received for pre-application consultation.

Upon the request of the First Nation, the Municipality will provide the First Nation with copies of any supporting studies or documentation submitted in support of an application. Requests for supporting studies or documentation are more likely for applications such as a large-scale plan of subdivision or a change of use. The Municipality may require proponents to provide additional copies of supporting studies or documentation for the purpose of circulation to the First Nation.

## **9.7 DEVELOPMENT APPLICATIONS**

The policies of this Plan require that certain types of development be permitted only by an amendment to this Plan. This will permit a comprehensive, consistent and thorough review of the suitability of such development throughout the Municipality.

## **9.22 SITE ALTERATIONS BY-LAW**

The Municipality may pass a Site Alterations By-law when substantial alterations to the natural landscape are proposed or development is proposed in or adjacent to natural heritage features and areas.

## **9.23 SEWER AND WATER ALLOCATIONS**

When vacant lots that have been allocated sewer and/or water capacity remain vacant, the Municipality may re-allocate water and/or sewer capacity, as required to permit other development.

Where municipal sewer and water capacity has been re-allocated from vacant lots, Council shall place these vacant lots in a Holding Zone until such time that sewer and water capacity becomes available.

Council shall not draft approve any new lot or unit development by way of consent, plan of subdivision or condominium in the municipality without first confirming there is sufficient existing sewer and water capacity available to provide the development with full municipal services. If there is capacity in only one of the two municipal systems, draft approval shall not be granted on the basis of partial services, except where necessary to address failed services, or because of physical constraints.

## **9.24 COMPLETE APPLICATION**

Certain supporting studies, information and materials shall be required as part of a development application, as identified throughout this Plan. The need, extent, and timing of such supporting studies, information and materials shall be determined by the Municipality on a site-specific basis in consideration of the site's land use context and regard to the policies of this Plan.

Applicants seeking development approval shall participate in a pre-application consultation meeting to determine the information, supporting studies, and application materials that will be required as part of a complete application.

The following information may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance:

- Deed and/or Offer of Purchase;
- Topographic Plan of Survey;
- Site Plan (Conceptual);
- Floor Plan and/or Elevations;
- Record of Site Condition (RSC);

- Municipal Financial Impact Statement;
- Draft Plan of Subdivision;
- Condominium Description; and/or
- Other information relevant to the development and lands impacted by the proposed development.

The following supporting studies may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance in accordance with accepted professional standards and/or guidelines, as applicable:

- Owner's authorization, where agents are making applications;
- Planning Rationale Report;
- Lot Creation and Development Plan Study
- Retail Market Impact Study;
- Urban Design Study;
- Archaeological Study;
- Hydrogeological Study;
- Groundwater Impact Study;
- Environmental Impact Study;
- Phase I Environmental Site Assessment (ESA);
- Approved Class Environmental Assessment;
- Noise and/or Vibration Study;
- Transportation Impact Study;
- On-Street Parking Study;
- Geotechnical Study;
- Functional Servicing Report;
- Stormwater Management Plan;
- Comprehensive Development Master Plan;
- Heritage Impact Study;
- Tree Survey and Protection Report including a Tree Retention Plan;
- Lot grading and Drainage Report;
- Lighting Study;
- Lakeshore Capacity Assessment as per the provincial Lakeshore Capacity Assessment Handbook;
- Aggregate Impact Assessment; and
- Other supporting studies relevant to the development and lands impacted by the proposed development.

Supporting studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of development approval applications shall be advised in writing by the Municipality of the required supporting study contents during the pre-application consultation process.

At the discretion of the Municipality, supporting studies shall be peer reviewed at the cost of the development proponent.

The following additional materials may be identified during pre-application consultation as part of a complete application at the time of submission for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision/Condominium, Consent or Minor Variance:

- completed application form;
- current application fee; and
- draft proposed amendment, including schedules and text.

Under the provisions of the *Planning Act*, when the pre-application consultation process for a proposed development approval application identifies the need for information, supporting studies, and materials, the application shall not be considered complete for processing purposes until the required information, supporting studies, and materials is prepared and submitted to the satisfaction of the Municipality.

Notification of a complete application shall be given in writing to the applicant and all other parties by the Municipality in accordance with the *Planning Act*.

The Municipality shall ensure that information, supporting studies, and materials provided by an applicant as part of a complete application shall be made available to the public for review.

While the need for additional studies may emerge through the circulation of the application, it is intended that at the conclusion of the pre-consultation meeting, the potential applicant will know what studies and material needs to be filed with the application to have a complete application.



# MEMO

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<b>To:</b>	<b>Committee of Adjustment Members, Municipality of Temagami</b>
<b>Cc:</b>	<b>Tammy Lepage, Planning Clerk</b>
<b>From:</b>	<b>Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd Planning Consultants</b>
<b>Date:</b>	<b>January 20, 2020</b>
<b>File:</b>	<b>12134D</b>
<b>Subject:</b>	<b>Information/Update Report on Committee of Adjustment Matters</b>

The Committee of Adjustment has requested an update on a number of items related to recent application submissions and application process. This memorandum has been prepared to provide an update of the following items:

- 1) Application/Pre-consultation Timelines
- 2) Temagami First Nation File Review
- 3) Supporting Technical Studies/Information
- 4) Update on Active Applications

## 1) Application/Pre-consultation Timelines

The Municipality has an application form for pre-consultation. Through the intake process of pre-consultation applications and Planning Act applications, applicants will be informed that an initial review is required to confirm that the application includes the information that is required to evaluate the proposal. Applicants will also be informed that the application will be circulated to Temagami First Nation for comments. Following receipt of a pre-consultation application or a Planning Act application, MHBC will provide planning related comments to the applicant. This generally occurs within a week. It is recommended that the applicant submit application fees to the Municipality after the preliminary review is completed.

## **2) Temagami First Nation Review**

Following the submission of a pre-consultation application or a Planning Act application, the information is forwarded to Temagami First Nation for comment.

Prior to the end of 2019, the Municipality received updated mapping layers from Land Information Ontario (LIO). The Municipality also has the ability to review areas of archaeological significance and potential. This is new information that is available at the Municipality which will allow staff to review the same mapping that was previously referenced by Temagami First Nation. Given that the Municipality now has this updated mapping available, the Municipality is in a better position to address the comments that have been provided by Temagami First Nation on previous applications.

## **3) Supporting Technical Studies/Information**

An important consideration during the pre-consultation review of applications is to inform applicants if additional supporting studies or information is required.

Supporting studies may be required if development is located within natural heritage features or areas. Mapping is available to confirm where these features are located. For example, if development is taking place within 120 metres of an area identified as fish habitat, an evaluation of the fish habitat may be required. In an instance where there is no development taking place, i.e. a Consent application that separates existing development, an evaluation may not be required to recommended approval. However, the Municipality would look at opportunities to protect the area in the future.

In areas identified as having the potential for archaeological significance, a Stage Two Archaeological Study would generally be required where the ground is being disturbed as a result of the construction of a building or structure. If the proposed development does not involve the disturbance of the ground, a study would not be required. The Municipality will continue to rely on comments provided by Temagami First Nation to ensure archaeological resources are protected, and applicants are educated when it comes to these resources on the lands.

## **4) Update on Active Applications**

### Allen Minor Variance – 20 Lake Temagami Island 337

Staff have been in contact with Mr. Allen regarding the minor variance application to permit an addition to the existing dwelling and a sleep cabin. Following review of the updated mapping available from LIO, there are no environmental features or areas on the subject property, nor within adjacent lands. The Municipality has been investigating Building Code requirements for development on existing holding tanks. The applicant is aware that the application may have to be revised based on the capacity of the holding tanks to accommodate additional development. The Municipality will confirm with the applicant exactly what can be added to the subject property so that the capacity of the holding tanks are not exceeded.

Lastly, Temagami First Nation has noted that a Stage Two Archaeological Study is required. The applicant has requested, that with the assistance of the Municipality, that Temagami First Nation be engaged to confirm if the study can be scoped to only the disturbed areas on the subject property. Once these items are addressed, staff will be able to make a recommendation on the application.

Carswell/Amyotte Consent and Application – 348 Lake Temagami, Island 1197, Horseshoe Island

Staff have been in contact with Mr. Carswell and Ms. Amyotte regarding the applications. The applicants are currently reviewing the proposed lot layout and the proposed lot frontages, to revise the proposed lot layout.