



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

AGENDA

Thursday, June 25, 2020, 1:00 P.M.

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 AND ROLL CALL**
- 1.1 **MEETING PROCEDURES**
2. **ADOPTION OF THE AGENDA**
Draft Motion:
BE IT RESOLVED THAT the agenda dated June 25, 2020 be adopted as presented/amended.
3. **ADOPTION OF THE MINUTES** 1
Draft Motion:
BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held January 30, 2020 be adopted presented/amended.
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **APPLICATIONS**
- 5.1 **C 19-03 and MV 19-04** 5
Applicants: Ian Carswell and Shora Amyotte
Application Type: Consent and Minor Variance
Draft Motion:
BE IT RESOLVED THAT the Committee of Adjustment received the report from Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd dated June 25th, 2020;

AND FURTHER THAT The Committee of Adjustment approved the Notice of Decision C-19-03 (Consent Application) as presented/amended;

AND FURTHER THAT the Committee of Adjustment approved the Notice of Decision MV-19-04 (Minor Variance Application) as presented/amended.
6. **NEXT MEETING DATE**
7. **ADJOURNMENT**
Draft Motion:
BE IT RESOLVED THAT the June 25, 2020 Committee of Adjustment meeting be adjourned at X:XX p.m.



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
COMMITTEE OF ADJUSTMENT
MINUTES

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

PRESENT: C. Dwyer, N. Brooker, K. Ballentine, B. Leudke

ABSENT: G. Cline (With Notice) , (B. Rice With Notice), B. Graham (With Notice)

STAFF: T. Lepage, D. Bell & S. Fournier
J. Robinson, & P. Townes of MHBC Planning (By Telephone)

GUEST: (Applicants) L. Wolstenholme; R. Wolstenholme; (Agent) K. Beauchamp of Clearwater Planning Inc, (Contractor) I. Beauchamp of Clearwater Builders

CALL TO ORDER

The Chair called the meeting to order at 1:00 p.m. and the Chair called the roll.

MEETING PROCEDURES

Secretary-Treasurer to read out the meeting procedures.

ADOPTION OF THE AGENDA

Adoption of the Agenda dated January 30, 2020

20-01

MOVED BY: B. Leudke

SECONDED BY: N. Brooker

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

CARRIED

ADOPTION OF THE MINUTES

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

Minutes from the September 26, 2019 meeting has been deferred until the next hearing of the Committee.

DECLARATION OF CONFLICT OF INTEREST

None.

DEFERRED APPLICATIONS

- C-19-01 - Krygsman
 - C-19-01 - Krygsman 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.

ADJOURNED APPLICATIONS

None.

NEW APPLICATIONS

Application No. MV-20-01- Wolstenholme

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

Property Location: 61 Rattler Road

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.

Presentation of the Applications

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated January 20th, with the meeting package. Patrick Townes & Jamie Robinson of MHBC attended by telephone. Patrick Townes summarized the application with a PowerPoint Presentation for the Committee. He affirmed that through staff's review of the application and the comment received from Temagami First Nation he explained that the cultural heritage features will be protected and the proposed addition isn't proposing ground disturbance and will be screened from the lake; therefore, no archaeological study is to be required. He explained that

no vegetation is to be cultivated, and no other environmental features were located on the property or surrounding lands. He further explained the four tests of the minor variance as per s. 45 of the *Planning Act* and informed the Committee no site visit was completed. Based on the review of the three tests of a minor variance, the comments received the application appears to be minor in nature. He further recommended a clause to be added to the amended site plan agreement as stated in the notice of decision.

Correspondence Included in the Packages

Correspondence from Temagami First Nation dated January 15, 2020 - Canoe & portage routes identified, would like to ensure no increased visibility from these routes from the deck enclosure; and high archaeological potential, if applicants decide to excavate or disturb the ground with future additions a stage 2 archaeological study is recommended.

Correspondence Received after Packages were compiled

Correspondence from Timiskaming Health Unit dated January 27, 2020 – no objections.

Presentation of the Application by the Applicant/Agent

K. Beauchamp of Clearwater Planning Inc., Agent for the applicant spoke to the application. She informed the Committee that she concurs with MHBC analysis of the four tests of a minor variance; is in agreement with the draft decision; and that the three previous site plans be repealed and replaced with the site plan control agreement including the clause as stated in the draft notice of decision.

Questions/Comments by other Property Owners
None.

Questions/Comments by Committee of Adjustment Members

- Question posed if the wood shed is to remain. Applicants confirmed the wood shed is staying.

Discussion/Decision by Committee Members

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

20-03

MOVED BY: N. Brooker

SECONDED BY: B. Leudke

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-20-01

Applicant: Karen Beauchamp on behalf of Robert & Lynne Wolstenholme

Subject to the attached Notice of Decision

CARRIED

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

- That the variance apply to the proposed addition referenced in the application sketch;

- 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; and
- 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, the Temagami First Nation, to determine whether or not a licensed archaeologist needs to attend the site.

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

ITEMS FOR DISCUSSION

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

The Committee discussed the items listed above, and staff informed the Committee that a review of the pamphlets/fact sheets can be completed, and that once finalized be provided during pre-consultation. P. Townes informed the Committee on when additional studies are required, as part of a complete application, and timelines for pre-consultation. He further provided updates on open planning applications.

The Secretary-Treasurer provided an update on the Consent-19-01 application, and informed the committee that a follow up with the applicants will be completed. She read the excerpt from the Zoning bylaw regarding pruning and ventilation surrounding buildings; although the metres for clearing regarding the “Fire smart “guidelines differ from the zoning bylaw.

The Municipal Bylaw Enforcement Officer provided an update on the outstanding orders of the Local Planning Appeal Tribunal regarding Minor Variance Application No. MV-18-03. He provided further explanation regarding site plan agreements, and what the limitations are listed within the site plan agreement.

P. Townes & J. Robinson was excused from the meeting at 2:00 p.m.

NEXT MEETING DATE

Dependent on application.

ADJOURNMENT

20-04

MOVED BY: K. Ballentine

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the January 30, 2020 Committee of Adjustment meeting be adjourned at 2:22 p.m.

CARRIED

Prepared by: Tammy Lepage Secretary-Treasurer Committee of Adjustment

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Suzie Fournier, Clerk	Application Number:	C-19-03 and MV-19-04
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicants:	Ian Carswell and Shona Amyotte
Location:	348 Lake Temagami Island 1197	Owners:	Same as applicants
Report Date:	June 25, 2020	Application Type:	Consent and Minor Variance

A. PROPOSAL/BACKGROUND

Applications for a Consent and Minor Variance have been submitted for the subject property located at 348 Lake Temagami Island 1197, by the owners Ian Carswell and Shona Amyotte. The subject property is legally described as PCL 17012 SECONDED BY NIP; SUMMER RESORT LOCATION HS2104 CYTHIA FORMING PART OF ISLAND 1197 OR HORSESHOE ISLAND IN LAKE TEMAGAMI AS IN NP9070. The subject property is located within the Special Management Area designation and within the Lake Temagami Neighbourhood in the Official Plan. The subject property is located within the Remote Residential (R1) Zone – Lake Temagami in the Zoning By-law. The subject property location is shown in black on Figure 1.

Figure 1: Subject Property



The subject property has a lot area of 2.4 hectares (5.9 acres) and a lot frontage of approximately 130 metres on the shoreline of Lake Temagami. The subject property is located on the south portion of Horseshoe Island and is immediately surrounding by forested Crown Land. Surrounding patented land includes two properties, one property to the east of the subject property, and one to the west on a separate island.

The subject property is currently developed with the following:

- Two seasonal dwellings;
- A boathouse;
- Two tool sheds;
- Two wood sheds;
- Two outhouses; and,
- Two docks.

Both of the existing seasonal dwellings are serviced with an individual water supply and septic system. There is no new development being proposed on the subject property as a result of the two applications before the Committee of Adjustment.

The proposed Consent application is required to legally separate the existing development on the subject property. As a result, one new lot is being created on the subject lands. The proposed Minor Variance application is to recognize a lot frontage for each of the proposed lots that does not comply with the Zoning By-law.

There are no environmental features identified on the subject property, however a portion of Lake Temagami adjacent to the subject property is identified as a Fish Spawning Area on Schedule B1 to the Official Plan. As noted in the comments provided by Temagami First Nation, the subject property is in close proximity to spawning sites identified by the Ministry of Natural Resources and Forestry, and close to sites in TFN/TAA traditional land use (including berry gathering, camping/tenting sites and net fishing sites).

It should be noted that MHBC staff conducted a site visit to the subject property on September 30, 2019. Photos of the subject property are included in Attachment #1 to this Report.

B. PROPOSED CONSENT

The purpose of the Consent application is to sever the subject property into two lots that would legally separate two existing dwellings. The proposed lot configuration is shown on Figure 2.

Figure 2: Proposed Lot Configuration

Proposed Lot #1 is to have a lot area of 1.2 hectares and 87 metres of lot frontage on Lake Temagami. Proposed Lot #2 is to have a lot area of 1.2 hectares and a lot frontage of 72 metres on Lake Temagami. The result of the proposed Consent application would be two shoreline residential lot, each with an existing seasonal dwelling, septic systems, accessory buildings and structures, and docks.

C. PROPOSED MINOR VARIANCE

The subject property is located within the Remote Residential (R1) Zone – Lake Temagami in the Zoning By-law. The minimum required lot frontage for the R1 Zone is 90 metres, as stated in Section 7.4.2 a) (The lot) of the Zoning By-law. As a result of the proposed lot configuration, both Proposed Lot #1 and Proposed Lot #2 require a variance to the minimum required lot frontage. The lot frontage for Proposed Lot #1 is 87 metres and the lot frontage for Proposed Lot #2 is 72 metres. To be conservative, variances are requested for minimum lot frontages of 80 metres and 65 metres respectively.

D. COMMENTS RECEIVED

Prior to the preparation of this Report, comments have been submitted from the following on the proposed applications:

- Letter from Victoria Winsor, on behalf of Temagami First Nation dated October 31, 2019 – Letter provides a summary of the surrounding sites related to the TFN/TAA traditional land use and notes that the subject property is identified as a high potential archaeological area and registered border sites. TFN is in favour of the application if the condition that any new developments/excavation activity would require a phase 2 archaeological assessment and that this condition be registered on title.
- Email from Paul Tamburro, on behalf of the Temagami Lakes Association dated June 10, 2020 – No objections.
- Email from Nick Roche dated June 8, 2020 – No objections and requested copy of decisions.
- Email from Robin Koistinen, on behalf of Temagami First Nation dated June 9, 2020 – Requested clarification on the process of reviewing building permits in order to ensure contents of the Site Plan Agreement are adhered to. A response was provided noting that the Planning/Building Department review the Site Plan Agreement prior to issuing any future building permits. A permit cannot be issued if not in compliance with the Site Plan Agreement.

A copy of the comments have been included as Attachment #2 to this Report.

E. POLICY AND REGULATORY CONSIDERATIONS

The following is a review of the relevant policy and regulatory considerations that pertain to the proposed Consent application.

Provincial Policy Statement

A new Provincial Policy Statement (PPS) was approved by the Ministry of Municipal Affairs and Housing on May 1, 2020, and is applicable to the subject property. In the context of the PPS, the subject property is located on rural lands. Section 1.1.5.2 of the PPS recognizes resource-based recreational development, such as recreational dwellings, as a permitted use on rural lands.

Section 1.6.4.4 of the PPS contains policies that permit individual on-site sewage services and individual on-site water services where municipal services are not available, provided that the site conditions are suitable for the long-term provision of such services. The subject property contains existing development, including two seasonal dwellings that are each serviced by their own water and sewage services.

Section 2.0 of the PPS is titled Wise Use and Management of Resources. Policies are included in this section of the PPS regarding Natural Heritage (Section 2.1), Water (Section 2.2) and Cultural Heritage and Archaeology (Section 2.6) which are applicable to the subject property.

Section 2.1 of the PPS includes policies to protect natural heritage features, including wetlands, significant woodland, significant wildlife habitat, significant areas of natural and scientific interest, fish habitat and habitat of endangered and threatened species. The Official Plan identifies a Fish Spawning Area on Schedule B1 of the Official Plan. Although there is fish habitat identified on adjacent lands, the proposed Consent application does result in additional development on the subject property. The proposed Consent application is to separate the existing development on the subject property. Existing docks will also service each of the proposed lots. Due to the fact that development on the subject property is existing, an Environmental Impact Study was not required.

It is noted that the purpose of an Environmental Impact Study is to confirm no negative impacts on natural heritage features as a result of development, and to confirm building envelopes and docking locations for new lots and development. In this case, the building envelopes and the docking locations have already been established and have existed for some time.

Should additional development be proposed in the future, an EIS may be required as part of any future Planning Act application (including Site Plan Control).

Section 2.2 of the PPS includes policies that relate to the protection of water, and provides direction to planning authorities to protect, improve or restore the quality and quantity of water. The proposed Consent application does not result in the creation of a new lot that would require new development to be constructed. The subject property is currently developed and the proposed Consent application is simply to legally separate the existing development. On this basis, no negative impacts are anticipated to water quality as a result of the application.

Section 2.6 of the PPS includes policies regarding cultural heritage and archaeology. Section 2.6.2 states:

"Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved."

No additional development or site alteration is proposed on the subject property, or as a result of the proposed Consent application. It is recognized that the lands may contain archaeological resources or areas of archaeological potential based on the mapping and comments provided by Temagami First Nation. It is recommended that a condition in the Site Plan Agreement be included

to state that if additional development or excavation is proposed on the lots in the future, a Phase Two Archaeological Assessment would be required.

Section 3.1 of the PPS includes policies regarding natural hazards and the protection of new development. There are no known hazards on the subject property, and there is no new development proposed as a result of the Consent application.

Following a review of the relevant policies in the PPS, the proposed Consent application is consistent with the PPS.

Northern Ontario Growth Plan

The Northern Ontario Growth Plan recognizes that tourism is an important component of the economy of Northern Ontario. The applicability to this document in regards to the proposed Consent application is limited, however the development of resource-based recreational lots could be considered to conform to the policies of the Growth Plan.

Municipality of Temagami Official Plan

The subject property is located within the Special Management Area designation and is located within the Lake Temagami Neighbourhood in the Official Plan. An area on Lake Temagami to the south of the subject property is identified as a Fish Spawning Area on Schedule B1 to the Official Plan.

The permitted uses within the Lake Temagami Neighbourhood are included in Section 5.3.2 of the Official Plan. In accordance with the permitted uses, permanent and seasonal single detached dwellings are permitted on islands in Lake Temagami. However, the Plan requires the suitability of each lot for development to be assessed on a site by site basis in accordance with the policies of the Official Plan.

Permitted uses within the Special Management Area designation are limited to existing and new private residential development on islands, in accordance with the policies of Section 5.3.3 and 9.7 of the Official Plan.

Regarding the creation of new lots in the Lake Temagami Neighbourhood, Section 5.3.3 of the Official Plan states:

“Remote Residential development exists within the Lake Temagami Neighbourhood and a small amount of new development is anticipated on islands in the Special Management Area land use designation. The development impact by existing and new lots should be mitigated to the extent possible in order to conserve wilderness and semi-wilderness values. Plans of subdivision are not permitted in this Neighbourhood.”

Section 5.3.3.2 of the Official Plan includes policies that apply to the creation on new lots in the Lake Temagami Neighbourhood. Table 1 provides a summary of these policies.

Table 1: Lot Creation Policies in the Lake Temagami Neighbourhood

Section 5.3.3.2 - Remote Residential - Lot Creation Through Consents on Private Land	Comments on Conformity
The intended use of the lot conforms to the intent and policies of the Plan and the provisions of the Zoning By-law;	The existing and proposed use of the proposed lots meet the intent of the Official Plan and the provisions of the Zoning By-law. Seasonal single detached dwellings are permitted uses on the subject property and the proposed lots.
The Municipality shall not assume any responsibility for the provision of municipal services such as fire fighting, ambulance, water supply, sewage treatment and garbage collection to remote residential properties;	There is no new development proposed as a result of the Consent application. The service levels are to remain the same as existing.
In creating the lot, conformity with this Plan's policies is required respecting any natural heritage features and areas identified in this Plan;	There is a Fish Spawning Area identified on adjacent lands to the south of the subject property. The subject property contains existing development, including docks, and as a result there are no negative impacts anticipated to the adjacent fish habitat.
The applicant, when required, shall provide a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to satisfactorily mitigate the anticipated impacts of the development on the features otherwise, the Municipality will not approve the consent;	The proposed Consent application is to separate the existing development on the subject property. Due to the existing development on the subject property, an Environmental Impact Study was not required. The purpose of an Environmental Impact Study is used to confirm no negative impacts on natural heritage features as a result of development, and to confirm building envelopes and docking locations for new lots and development. In this case, the building envelopes and the docking locations have already been established and have existed for some time.
The soil, drainage, and slope conditions on the lot are suitable or can be made suitable for the proper siting of buildings and the installation of an approved water supply and Class IV sewage disposal system;	The soil, drainage and slope conditions on the subject property are not proposed to be altered as a result of the Consent application. Both the proposed lots are to contain a seasonal single detached dwelling, serviced by its own existing septic system.
The fisheries habitat, cultural heritage features, steep or unstable soils, environmentally sensitive areas, and other bio-physical aspects of the consent are not negatively impacted by the development;	As mentioned above, there are no negative impacts anticipated to fish habitat nor environmentally sensitive areas as a result of the Consent application. It is recognized that the lands may contain archaeological resources

	or areas of archaeological potential based on the mapping and comments provided by Temagami First Nation. It is recommended that a condition in the Site Plan Agreement be included to state that if additional development or excavation is proposed on the lots in the future, a Phase Two Archaeological Assessment would be required.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;	There are existing water supplies in place for each of the existing seasonal single detached dwellings.
Where access to the lot is by water, adequate long term parking and docking facilities and a receiver for garbage shall be secured to the satisfaction of the Municipality;	There are two existing docks on the subject property and the proposed lots are to each have their own dock.
Documentation is provided indicating that suitable dock locations are available on the lot;	Same comment as above.
<p>The lot shall be subject to site plan control which shall include:</p> <ul style="list-style-type: none"> • Visual screening, setbacks, protection of vegetation, and landscaping; • Utilization of existing vegetation and topography to minimize visual impacts; • Buildings and structures located in the shoreline activity area; • Lots with sparse or no vegetative buffer where the siting of buildings or structures have the potential for significant visual impact; • Rehabilitation of vegetation disturbed due to construction; and • Mitigation techniques to minimise impacts on surrounding development and uses. 	As a result of the proposed Consent application, the existing development on the subject property will be unaltered. The character of the area and the view from the lake will remain the same. The subject property is currently subject to a Site Plan Agreement. A condition of provisional Consent will require that both properties enter into a Site Plan Agreement with the Municipality.

In addition to the above Consent policies that apply to the Lake Temagami Neighbourhood, the Official Plan includes additional Consent policies that apply on a municipal-wide basis. Table 2 provides a summary of these policies.

Table 2: General Consent Policies

Section 9.7.1 - Consents to Sever Patented Land	Does the Consent application Conform?
The intended use of the severed and retained parcels conform to the intent and policies of this plan.	Yes. The existing and intended use of the proposed lots conform to the Official Plan.
Generally the number of lots created does not exceed three.	Yes. The Consent application is to legally separate existing development and to create one new lot.
A registered plan of subdivision is not required.	Yes. A Plan of subdivision is not required.
The size and dimensions of the severed and retained parcels conform to the provisions of the Zoning By-law.	No. As a result of the proposed lot configuration, both Proposed Lot #1 and Proposed Lot #2 require a variance to the minimum required lot frontage. The lot frontage for Proposed Lot #1 is 87 metres and the lot frontage for Proposed Lot #2 is 72 metres. To be conservative, variances are requested for minimum lot frontages of 80 metres and 65 metres respectively. These variances would bring the proposed lots into compliance with the Zoning By-law. See Section F of this Report.
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands.	Yes. The Consent application does not result in any new development and the character of the area, including view from the lake is unaltered.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses.	Yes. The subject property contains two existing seasonal single detached dwellings. The proposed lot areas meet the minimum in the Official Plan and the Zoning By-law.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority.	Yes. Two existing docks are located on the subject property. The lot configuration is proposed such that each of the proposed lots will contain one of the existing docks.
Site Plan Control	Yes. The proposed lots will be subject to Site Plan Control.
Adequate access to the severed and retained parcel can be provided.	Yes. The subject property is located on an island and accessible by water. Access can be provided by the access point or by one of the marinas. The development is existing and would not create an additional demand on access facilities.
The severed parcel is not within 500 metres of a known sanitary landfill site.	Yes. We are not aware of any landfill sites in the area.

Where central sewage and water facilities are not available, it has been established that the soil and drainage conditions on the severed and retained parcels are suitable or can be made suitable to permit the proper siting of buildings and the installation of an approved water supply and Class IV or VI sewage disposal systems.	Yes. The subject property and the proposed lots are developed and contain septic systems.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted.	Yes. The subject property and the proposed lots are developed and contain water supplies.
The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features.	<p>Yes. The proposed Consent application is to separate the existing development on the subject property, as well as the two docks that currently provide access to the subject property, and to the proposed lots. Due to the nature of the proposed Consent and the existing development, an Environmental Impact Study was not required. The purpose of an Environmental Impact Study is used to confirm no negative impacts on natural heritage features as a result of development, and to confirm building envelopes and docking locations for new lots and development. In this case, the building envelopes and the docking locations have already been established and have existed for some time.</p> <p>As mentioned above, there are no negative impacts anticipated to fish habitat nor environmentally sensitive areas as a result of the Consent application. It is recognized that the lands may contain archaeological resources or areas of archaeological potential based on the mapping and comments provided by Temagami First Nation. It is recommended that a condition in the Site Plan Agreement be included to state that if additional development or excavation is proposed on the lots in the future, a Phase Two Archaeological Assessment would be required.</p>
The financial impacts on the Municipality have been considered.	Yes. There are no anticipated financial impacts on the Municipality.

Further to the review of the policy framework in the Official Plan regarding lot creation, the policies within Section 2.14 and Section 9.24 regarding cultural heritage features have been reviewed. The Temagami First Nation was circulated a copy of the application and have provided comments. In accordance with these comments and a review of the Official Plan policies, it is recognized that the lands may contain archaeological resources or areas of archaeological potential based on the mapping and comments provided by Temagami First Nation. It is recommended that a condition in the Site Plan Agreement be included to state that if additional development or excavation is proposed on the lots in the future, that a Phase Two Archaeological Assessment would be required.

Policies regarding natural heritage features and areas are included in Section 9.7.4 of the Official Plan. The proposed Consent application is not anticipated to have negative impacts on any natural heritage features and areas, including the area identified as a Fish Spawning Area on Schedule B1 to the Official Plan. The proposed Consent application does not result in any new development or site alteration on the subject property, and the proposed lots are already developed with seasonal single detached dwellings and individual water supplies and septic systems. Each of the proposed lots are also to contain a dock which are also existing.

The proposed Consent application to legally separate the existing development on the subject property and to create one additional lot conforms to the Official Plan.

Municipality of Temagami Zoning By-law

The minimum lot frontage for properties located within the Remote Residential (R1) Zone – Lake Temagami is 90 metres, as stated in Section 7.4.2 a) (The lot) of the Zoning By-law. The proposed lots are to have lot frontages of approximately 87 metres and 72 metres on Lake Temagami which do not meet the minimum required in the Zoning By-law. As a result, a Minor Variance application is required to recognize these deficient lot frontages.

Permanent and seasonal dwelling units are included under Section 7.4.1 of the Zoning By-law and are permitted in the R1 Zone. Other zone requirements for the R1 Zone have been reviewed, including minimum lot area, minimum side yard, and total lot coverage. The minimum lot frontage is the only zone requirement that requires a variance.

A summary of the proposed Minor Variance is provided in Section F of this Report.

F. THE FOUR TESTS OF A MINOR VARIANCE

The purposes of the Minor Variance application is to seek variances to the minimum required lot frontage of the Remote Residential (R1) Zone – Lake Temagami. The lot frontages of the proposed lots do not meet the minimum lot frontage in the Zoning By-law. The minimum lot frontage for properties located within the Remote Residential (R1) Zone – Lake Temagami is 90 metres, as stated in Section 7.4.2 a) (The lot) of the Zoning By-law. As shown on Figure 2, Proposed Lot #1 is to have a lot frontage of 87 metres and Proposed Lot #2 is to have a lot frontage of 72 metres on the shoreline of Lake Temagami. Variances are sought to permit a minimum lot frontage of 80 metres and 65 metres respectively, to facilitate the creation of the proposed lots on the subject property.

In considering the Minor Variance application, the Committee of Adjustment needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a Minor Variance as set out in Section 45 (1) in the *Planning Act*. 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 designated as Special Management Area and is located within the Lake Temagami Neighbourhood in the Official Plan. The permitted uses within the Lake Temagami Neighbourhood and the Special Management Area designation include seasonal single detached dwelling units.

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.

New development is not considered through this application, as the new lots are being created to legally separate two existing seasonal single detached dwellings. From the shoreline perspective, no changes are proposed through this application.

The purpose of the minimum lot frontage requirement in the Zoning By-law is to implement the policies in the Official Plan regarding the shoreline, and to ensure properties are adequately spaced to assist in maintaining the character of the shoreline area, particularly when the properties are viewed from the lake. Minimum lot frontages also assist to ensure that sufficient areas exist to establish docking locations along the shoreline.

In this case, the proposed variances are in-keeping with the intent of the Official Plan. The character of the shoreline is established by the existing development and no changes are proposed. Existing docking areas also exist for both of the proposed lots.

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

The subject property is located within the Remote Residential (R1) Zone – Lake Temagami. Section 7.4.2 a) (The lot) of the Zoning By-law requires a lot to have a minimum lot frontage of 90 metres. The variances are to permit the proposed lots to have minimum lot frontages of 80 metres and 65 metres.

Although the proposed lot frontages do not meet the requirement in the Zoning By-law, the variances are in-keeping with the intent of the Zoning By-law. The minimum lot frontage of 90 metres is established to ensure adequately spacing between lots, and to ensure sufficient areas are made available for docking along the shoreline. Considering the proposed lots are already developed, the reduced lot frontages are appropriate in this instance. The lots are developed, serviced and already contain docking facilities.

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

Is this unique case, there is no new development or site alteration proposed as a result of this application. The subject property is designated and zoned for shoreline residential purposes, and the effect of the application will facilitate the legal separation of two existing seasonal single detached dwelling. The proposed variance would not result in a negative impact to the existing character of the area, view from the lake, nor have an impact on adjacent landowners. The proposed variances are desirable.

4) Is the variance minor?

MHBC staff conducted a site inspection to the subject property on September 30, 2019. Based on the site inspection and a review of the application, it is our opinion that the variances are minor in nature. The subject property is currently developed and no new development or site alteration is proposed. The resulting lots are being created by legally separating the existing development on the subject property, and the reduction of the required minimum lot frontages are minor in our opinion.

G. RECOMMENDATIONS

Consent Application

Based on the review of the Consent application C-19-03 submitted by Ian Carswell and Shona Amyotte, the application is consistent with the PPS, and conforms to the Growth Plan and the Municipality's Official Plan. It is recommended that the Consent application be provisionally approved in accordance with the application sketch and subject to the following conditions of provisional Consent:

- 1) Preparation of an updated Reference Plan, in substantial compliance with the application sketch, to the satisfaction of the Municipality;
- 2) That a Site Plan Agreement be entered into with the Municipality for both Lots #1 and Lot #2;
- 3) That the Site Plan Agreements 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;
- 4) Confirmation that Proposed Lot #1 (western lot) has a lot frontage of 80 metres or greater and that Proposed Lot #2 (eastern lot) has a lot frontage of 65 metres or greater in accordance with Minor Variance application MV-19-04; and,
- 5) Any other standard conditions of the Municipality.

Minor Variance Application

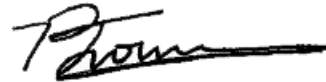
Based on the review of the Minor Variance application MV-19-04 submitted by Ian Carswell and Shona Amyotte, the proposed variances meet the intent of the Official Plan, the intent of the Zoning By-law, are desirable, and appear to be minor. It is recommended that the variances be approved that would permit new lots with a lot frontage of 80 metres (Lot #1) and a lot frontage of 65 metres (Lot #2).

Respectfully Submitted,

MHBC Planning

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal stroke extending to the right.

Jamie Robinson, BES, MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'P. Townes', with a long horizontal stroke extending to the right.

Patrick Townes, BA, BEd
Associate

Seasonal Single Detached Dwelling on Lot #1 (West Lot)



Existing Dock on Lot #1 (West Lot)



Vegetation between Dwelling and Shoreline on Lot #1 (West Lot)



Seasonal Single Detached Dwelling on Lot #2 (East Lot)



View from Dwelling to Shoreline on Lot #2 (East Lot)



View from Lake of Subject Property





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

October 31, 2019

Tammy Lepage, Municipality of Temagami

Re: application C-19-03, sent via email

Dear Tammy,

As per our conversation on Monday October 28, 2019 (Koistinen/Winsor/Lepage/Townsend), we would like to address consent application C-19-03, referred to in many communications as the Carswell/Amyotte property. The following is a list of our concerns.

1. We have concerns about new developments that a lot division would bring, including upgrades to septic systems, construction of new buildings, or upgrades/additions to existing buildings. Given the close proximity of this lot to both spawning sites identified by the MNRF, and to sites in TFN/TAA traditional land use (including berry gathering, camping/tenting sites and net fishing sites), we would urge caution and education in any further developments taking place with this lot. The environmental impacts on fish spawning and fishing should be a primary concern with this location.
2. These two lots have proximity to, and overlap with, high potential archaeological areas and registered borden sites. At this time, we do not feel that a phase 2 archaeological assessment is necessary, as there is currently no new excavation activity proposed. Granting this consent application should carry the condition that any new developments/excavation activity would require a phase 2 archaeological assessment, and this should be registered on title for both lots.

In closing, we would be in favour of granting this consent application, under the condition that any new developments/excavation activity would require a phase 2 archaeological assessment and that this condition be registered on title.

Regards,

Victoria Winsor | GIS Intern

landstech@temagamifirstnation.ca

1-705-237-8600 ext. 210

From: Suzie Fournier <Suzie.f@Temagami.ca>
Sent: June-10-20 11:25 AM
To: Patrick Townes
Subject: FW: Temagami File C-19-03 & MV-19-03- Carswell/Amyotte Consent and Minor Variance

FYI

From: paul tamburro [mailto:patamburro@gmail.com]
Sent: Wednesday, June 10, 2020 10:31 AM
To: Suzie Fournier <Suzie.f@Temagami.ca>
Subject: Re: Temagami File C-19-03 & MV-19-03- Carswell/Amyotte Consent and Minor Variance

Hi Suzie

The Temagami Lakes Association has no problem with this variance request

Paul

On Mon, Jun 8, 2020 at 2:18 PM Suzie Fournier <Suzie.f@temagami.ca> wrote:

Good afternoon,

Please see attached Notice for a Consent and Minor Variance Application, for the property located at 348 Lake Temagami Island 1197.

The Public Hearing is scheduled for Thursday, June 25, 2020. The owner are Carswell and Amyotte.

Sincerely,

Suzie Fournier

MUNICIPAL CLERK

Municipality of Temagami
7 Lakeshore Drive P.O. Box 220

Temagami, Ontario P0H 2H0

Tel 705.569.3421 ext.208

From: Suzie Fournier <Suzie.f@Temagami.ca>
Sent: June-11-20 8:50 AM
To: Patrick Townes
Subject: FW: Temagami File C-19-03 & MV-19-03- Carswell/Amyotte Consent and Minor Variance

FYI

From: Nick Roche [mailto:nroche@lrklaw.ca]
Sent: Monday, June 8, 2020 3:50 PM
To: Suzie Fournier <Suzie.f@Temagami.ca>
Subject: RE: Temagami File C-19-03 & MV-19-03- Carswell/Amyotte Consent and Minor Variance

Thank you for the information. I would appreciate a copy of each decision. I am in support of both applications.

From: Suzie Fournier [mailto:Suzie.f@Temagami.ca]
Sent: June-08-20 3:18 PM
To: Robin Koistinen; landstech@temagamifirstnation.ca; julie.robinson@ontario.ca; dickinsonj@timiskaminghu.ca; paul tamburro; Deb Larochelle; Jim Sanderson; Mr. Fire; Scott; bridget.schulte-hostedde@ontario.ca; Daryl Bell; Craig.D; dickinsonj@timiskaminghu.com; Nick Roche
Cc: Barret Leudke; Barry Graham; Gary Cline; Ken Ballentine; Nicole Brooker; Cathy Dwyer; Patrick Townes; 'Jamie Robinson (jRobinson@mhbcpplan.com)'; Patrick Townes; 'Jamie Robinson (jRobinson@mhbcpplan.com)'; bruce@tamarvacation.com
Subject: Temagami File C-19-03 & MV-19-03- Carswell/Amyotte Consent and Minor Variance

Good afternoon,

Please see attached Notice for a Consent and Minor Variance Application, for the property located at 348 Lake Temagami Island 1197.

The Public Hearing is scheduled for Thursday, June 25, 2020. The owner are Carswell and Amyotte.

Sincerely,

Suzie Fournier

MUNICIPAL CLERK
Municipality of Temagami
7 Lakeshore Drive P.O. Box 220
Temagami, Ontario P0H 2H0
Tel 705.569.3421 ext.208
Cell: 705.491.2189
Fax 705.569.2834

From: Patrick Townes
Sent: June-11-20 1:53 PM
To: Robin Koistinen
Cc: Jamie Robinson; Daryl Bell; Suzie Fournier; Victoria Winsor
Subject: RE: Temagami File C-19-03 & MV-19-03 - Carswell/Amyotte Consent and Minor Variance

Hi Robin,

Jamie and I had an opportunity to discuss your question yesterday. I also had a conversation with Daryl Bell (Building Department) today regarding the building permit review process.

In addition to being registered on title, a copy of the site plan control agreement is added to the building/planning file at the municipal office. When a building permit is received and reviewed by staff, the site plan control agreement would be reviewed prior to the issuance of any building permits. The site plan control agreement is considered applicable law, and any future development on the property would have to comply to the agreement, prior to the issuance of a building permit.

We trust this addresses your question below.

Thank you,

Patrick

Special Note: Due to the COVID-19 outbreak, all our staff are working remotely and our offices are physically closed. We will make this transition as seamless as possible and we remain available during business hours.

PATRICK TOWNES, BA, BEd | Associate

MHBC Planning, Urban Design & Landscape Architecture

113 Collier Street | Barrie | ON | L4M 1H2 | T 705 728 0045 x 231 | C 705 309 4712 | F 705 728 2010
| ptownes@mhbcplan.com

Follow us: [Webpage](#) | [Linkedin](#) | [Facebook](#) | [Twitter](#) | [Vimeo](#)



This communication is intended solely for the named addressee(s) and may contain information that is privileged, confidential, protected or otherwise exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, please advise us immediately and delete this email without reading, copying or forwarding it to anyone.

From: Robin Koistinen [mailto:robin.koistinen@temagamifirstnation.ca]
Sent: June-09-20 9:32 AM
To: Patrick Townes <ptownes@mhbcplan.com>; Victoria Winsor <landstech@temagamifirstnation.ca>
Cc: Jamie Robinson <jrobinson@mhbcplan.com>
Subject: RE: Temagami File C-19-03 & MV-19-03 - Carswell/Amyotte Consent and Minor Variance

Hi Patrick Jamie

I'm just wondering when one of the property owners applied for a building permit how would the CBO know that there is a requirement for the Phase II. As you know, I worked at Town office we never went to do a title search before issuing a building permit. So how is this flagged for this property what is the internal process to ensure the condition of consent would be followed?

Robin Koistinen
Lands & Resources Director
Temagami First Nation
(705) 237-8600 Ext. 204
TF 1-888-737-9884
General Delivery
Bear Island, Lake Temagami, ON P0H 1C0 | www.temagamifirstnation.ca



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: Patrick Townes <ptownes@mhbcplan.com>
Sent: June 5, 2020 2:51 PM
To: Robin Koistinen <robin.koistinen@temagamifirstnation.ca>; Victoria Winsor <landstech@temagamifirstnation.ca>
Cc: Jamie Robinson <jrobinson@mhbcplan.com>
Subject: Temagami File C-19-03 & MV-19-03 - Carswell/Amyotte Consent and Minor Variance

Good afternoon Robin and Victoria,

We hope you both are doing well. We wanted to send a note to let you know you should be receiving a notice shortly for a consent and minor variance application, for the property located at 348 Lake Temagami Island 1197. The Public Hearing is scheduled for Thursday, June 25, 2020. The owners are Carswell and Amyotte. Temagami First Nation provided comments on the consent application previously (see attached).

We understand that Temagami First Nation has no opposition to the consent application, under the condition that any future development on the properties will require a phase 2 archaeological assessment. A condition of provisional consent will be recommended to include such wording in the site plan agreements which are registered on title.

Regarding the minor variance application, as a result of the existing development being legally separated on the subject lands by way of consent, the resulting lots do not meet the minimum lot frontage requirement of 90 metres in the Zoning By-law. The proposed lot frontages are approximately 87 metres and 72 metres respectively (severance sketch also attached). Given that the proposed lots are already developed (each dwelling is serviced with well and septic) and no proposed development is being considered through this application, the reduction to the minimum lot frontage in our opinion is supportable. The character and view from the lake is unaltered.

We have not completed our planning recommendation report, however we will circulate a copy once completed.

I would be happy to discuss the applications over the phone next week if required.

Have a great weekend,

Patrick

Special Note: Due to the COVID-19 outbreak, all our staff are working remotely and our offices are physically closed. We will make this transition as seamless as possible and we remain available during business hours.

PATRICK TOWNES, BA, BEd | Associate

MHBC Planning, Urban Design & Landscape Architecture

113 Collier Street | Barrie | ON | L4M 1H2 | T 705 728 0045 x 231 | C 705 309 4712 | F 705 728 2010
| ptownes@mhbcplan.com

Follow us: [Webpage](#) | [Linkedin](#) | [Facebook](#) | [Twitter](#) | [Vimeo](#)



This communication is intended solely for the named addressee(s) and may contain information that is privileged, confidential, protected or otherwise exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, please advise us immediately and delete this email without reading, copying or forwarding it to anyone.



NOTICE OF DECISION

1. Application No.: C-19-03 (Consent Application)
2. Applicant/ Owners: Ian Carswell and Shona Amyotte
3. Date of Hearing: June 25, 2020
4. Date of Decision: June 25, 2020
5. Date of Notice of Application: June 8, 2020
6. Zoning: Remote Residential (R1) Zone – Lake Temagami
7. Designation: Special Management Area (Lake Temagami Neighbourhood)
8. Location and Legal Description of Subject Lands: 348 Lake Temagami Island 1197 and legally described as PCL 17012 SECONDED BY NIP; SUMMER RESORT LOCATION HS2104 CYTHIA FORMING PART OF ISLAND 1197 OR HORSESHOE ISLAND IN LAKE TEMAGAMI AS IN NP9070

9. Decision

The purpose of the application is to sever the subject lands into two parcels that would legally separate two existing dwellings. The lots are proposed to have a lot area of approximately 1.2 hectares; and are proposed to have lot frontages of approximately 87 metres and 72 metres on Lake Temagami. Following the proposed consent application, each of the proposed lots will also contain accessory buildings and its own dock. No new development is being proposed as a result of this application. The applicants have also submitted a concurrent Minor Variance application (MV-19-04)

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

- ☐ Granted subject to no conditions
- ☐ Refused
- ☐ Deferred
- ☐ Adjourned
- ☐ Granted subject to the following conditions:

- 1) Preparation of an updated Reference Plan, in substantial compliance with the application sketch, to the satisfaction of the Municipality;

- 2) That a Site Plan Agreement be entered into with the Municipality for both Lots #1 and Lot #2;
- 3) That the Site Plan Agreements 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;
- 4) Confirmation that Proposed Lot #1 (western lot) has a lot frontage of 80 metres or greater and that Proposed Lot #2 (eastern lot) has a lot frontage of 65 metres or greater in accordance with Minor Variance application MV-19-04; and,
- 5) Any other standard conditions of the Municipality.

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:

- Based on the review of the Consent application C-19-03 submitted by Ian Carswell and Shona Amyotte, the application is consistent with the PPS, and conforms to the Growth Plan and the Municipality's Official Plan.

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

- Letter from Victoria Winsor, on behalf of Temagami First Nation dated October 31, 2019 – Letter provides a summary of the surrounding sites related to the TFN/TAA traditional land use and notes that the subject property is identified as a high potential archaeological area and registered border sites.
- Email from Paul Tamburro, on behalf of the Temagami Lakes Association dated June 10, 2020 – No objections.
- Email from Nick Roche dated June 8, 2020 – No objections and requested copy of decisions.
- Email from Robin Koistinen, on behalf of Temagami First Nation dated June 9, 2020 – Requested clarification on the process of reviewing building permits in order to ensure contents of the Site Plan Agreement are adhered to.

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

- The committee considered the comments in coming to their decision.

Concur in the decision:

Cathy Dwyer, Chair

Barry Graham, Member

Bruce Rice, Member

Gary Cline, Member

Ken Ballentine, Member

Nicole Brooker, Member

13. Notice for Last Day of Appeal

The last day for appealing this decision to the Local Planning Appeal Tribunal is **[20 days following date of Notice]**. 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 Consents 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.

Date of Notice: June __, 2020

Certified by:

Suzie Fournier, Clerk



NOTICE OF DECISION

1. Application No.: MV-19-04 (Minor Variance Application)
2. Applicant/ Owners: Ian Carswell and Shona Amyotte
3. Date of Hearing: June 25, 2020
4. Date of Decision: June 25, 2020
5. Date of Notice of Application: June 8, 2020
6. Zoning: Remote Residential (R1) Zone – Lake Temagami
7. Designation: Special Management Area (Lake Temagami Neighbourhood)
8. Location and Legal Description of Subject Lands: 348 Lake Temagami Island 1197 and legally described as PCL 17012 SECONDED BY NIP; SUMMER RESORT LOCATION HS2104 CYTHIA FORMING PART OF ISLAND 1197 OR HORSESHOE ISLAND IN LAKE TEMAGAMI AS IN NP9070

9. Decision

The purpose of this application is to seek variances to the minimum required lot frontage required in the Remote Residential (R1) Zone – Lake Temagami. The applicants have submitted a concurrent consent application (File number C-19-03) to create two lots on the subject property, and the lot frontages for the proposed lots do not meet the minimum lot frontage in the Zoning By-law. The minimum lot frontage for properties located within the Remote Residential (R1) Zone – Lake Temagami is 90 metres, as stated in Section 7.4.2 a) (The lot) of the Zoning By-law. A variance to permit a minimum lot frontage of 80 metres and 65 metres is sought to facilitate the creation of the proposed lots on the subject lands.

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

- ☐ Granted subject to no conditions
- ☐ Refused
- ☐ Deferred
- ☐ Adjourned
- ☐ Granted subject to the following conditions:

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:

- Based on the review of the Minor Variance application MV-19-04 submitted by Ian Carswell and Shona Amyotte, the application meets the intent of the Official Plan, the intent of the Zoning By-law, are desirable, and appear to be minor.

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

- Letter from Victoria Winsor, on behalf of Temagami First Nation dated October 31, 2019 – Letter provides a summary of the surrounding sites related to the TFN/TAA traditional land use and notes that the subject property is identified as a high potential archaeological area and registered border sites.
- Email from Paul Tamburro, on behalf of the Temagami Lakes Association dated June 10, 2020 – No objections.
- Email from Nick Roche dated June 8, 2020 – No objections and requested copy of decisions.
- Email from Robin Koistinen, on behalf of Temagami First Nation dated June 9, 2020 – Requested clarification on the process of reviewing building permits in order to ensure contents of the Site Plan Agreement are adhered to.

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

- The committee considered the comments in coming to their decision.

Concur in the decision:

Cathy Dwyer, Chair

Barry Graham, Member

Bruce Rice, Member

Gary Cline, Member

Ken Ballentine, Member

Nicole Brooker, Member

13. Notice for Last Day of Appeal

The last day for appealing this decision to the Local Planning Appeal Tribunal is [20 days following date of Notice]. 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.

Date of Notice: June __, 2020

Certified by:

Suzie Fournier, Clerk

DRAFT