



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
COMMITTEE OF ADJUSTMENT

AGENDA

Thursday, August 27, 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**
2. **ADOPTION OF THE AGENDA**
Draft Motion:
BE IT RESOLVED THAT the agenda dated August 27, 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 June 25, 2020 be adopted presented/amended.
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **DEFERRED APPLICATIONS**
- 5.1 **MV-19-03 - Allen**
6. **APPLICATIONS**
- 6.1 **MV-20-01 - Com  ** 3
Draft Motion:
BE IT RESOLVED THAT the Committee of Adjustment receive the report from Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd dated August 21, 2020;

NOW THEREFORE BE IT RESOLVED THAT the Committee of Adjustment approved the Notice of Decision MV-20-02 (Minor Variance Application) as presented/amended.
7. **NEXT MEETING DATE**
8. **ADJOURNMENT**
Draft Motion:
BE IT RESOLVED THAT the August 27, 2020 Committee of Adjustment meeting be adjourned at x:xx p.m.



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

**COMMITTEE OF ADJUSTMENT
ELECTRONIC PARTICIPATION**

DRAFT MINUTES

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

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

STAFF: S. Fournier, D. Bell,
J. Robinson, & P. Townes of MHBC Planning

CALL TO ORDER AND ROLL CALL

The Chair called the meeting to order at 1:00 p.m.
There were 2 people in the electronic participation. The Chair called the Roll.

MEETING PROCEDURES

ADOPTION OF THE AGENDA

Draft Motion: 20-05

MOVED BY: N. Brooker

SECONDED BY: K. Ballentine

BE IT RESOLVED THAT the agenda dated June 25, 2020 be adopted as presented
CARRIED

ADOPTION OF THE MINUTES

Draft Motion: 20-06

MOVED BY: B. Leudke

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held January 30, 2020 be adopted presented.

CARRIED

DECLARATION OF CONFLICT OF INTEREST

The Chair requested disclosure of pecuniary interest. Administration reported that none were received prior to the meeting. There were no other disclosure made.

APPLICATIONS

C 19-03 and MV 19-04

Applicants: Ian Carswell and Shora Amyotte

Application Type: Consent and Minor Variance

Draft Motion: 20-07

MOVED BY: B. Leudke

SECONDED BY: N. Brooker

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;

AND FURTHER THAT the Committee of Adjustment approved the Notice of Decision MV-19-04 (Minor Variance Application) as presented.

CARRIED

NEXT MEETING DATE

As required.

ADJOURNMENT

Draft Motion: 20-08

MOVED BY: K. Ballentine

SECONDED BY: B. Leudke

BE IT RESOLVED THAT the June 25, 2020 Committee of Adjustment meeting be adjourned at 1:43 p.m.

CARRIED

**The Corporation of the Municipality of
Temagami**

Application for Minor Variance



PLEASE READ BEFORE COMPLETING THIS APPLICATION

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

OFFICE USE ONLY	
Date Received: <u>July 23/20</u>	Complete Application: _____
Application Number: <u>MV-20-02</u>	One copy of original sketch: _____
Fee \$ <u>\$500 pd + deposit</u>	Fee Received on: <u>July 23/20</u>

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

SECTION 1 - APPLICANT INFORMATION	
1.1 Owner Information	
Name of Owner(s) <u>ALLAN GOME</u>	
Home Telephone Number <u>705-477-2482 (CELL)</u>	Business Telephone Number <u>705-494-2011 EXT 6069</u>
Fax Number	Email Address <u>ALLAN.GOME@HOTMAIL.COM</u>
Mailing Address <u>3329A HIGHWAY 11 NORTH, MARTEN RIVER</u>	Postal Code <u>P0H 1T0</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): _____	
Position(s): _____	
1.2 Agent Information (Who is making the application on behalf of the owner)	
Name of Agent / Contact Person:	
Home Telephone Number	Business Telephone Number

Fax Number	Email Address
Mailing Address	Postal Code

1.3 Please specify to whom all communications should be sent

☒ Owner
☐ Agent
☐ Both Owner and Agent

SECTION 2: AUTHORIZATION

2.1 If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

AUTHORIZATION OF OWNER(S) FOR AGENT TO MAKE THE APPLICATION & DISCLOSE OF PERSONAL INFORMATION

I/WE, _____ owner(s) of the land that is subject to this application hereby authorize _____ to act on my/our behalf regarding this application and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, I/We authorize _____ to make this application on my/our behalf.

Signature of Owner(s) _____ Date _____
 Signature of Owner(s) _____ Date _____

2.2 Consent of Owner – Complete the consent of the owner concerning personal information set out below

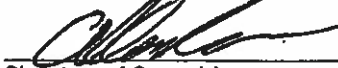
CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION

I/WE, _____, owner(s) of the land that is the subject of this application and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, I/we authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application and authorize the distribution of this application in electronic form.

Signature of Owner(s) _____ Date 17 JUL 2020
 Signature of Owner(s) _____ Date _____

2.3 Consent of Owner -- Site Visit

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


Signature of Owner(s)

17 JUL 2020
Date

Signature of Owner(s)


Date

APPLICANT(S) ACKNOWLEDGEMENT

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

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

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


Signature of Applicant (s)

17 JUL 2020
Date

ALLAN CORNE
Print Name

SECTION 3 - LAND USE

3.1 Official Plan Designation

3.2 Zoning

SECTION 4 - DESCRIPTION OF THE PROJECT

4.1 Project Description

Provide details of the project.

I WOULD LIKE TO BUILD A 30' X 30' GARAGE AS PER THE SITE PLAN & ENGINEERED PLANS PROVIDED TO YOU. THIS WAS PROVIDED TO YOU WITH MY

SECTION 5 - ZONING CONFORMITY

BUILDING PERMIT REQUEST.

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. THE BY-LAW CURRENTLY ALLOWS FOR GARAGE STRUCTURE TO BE 28 FT X 28 FT, I HAVE HAD ENGINEERED PLANS FOR A GARAGE THAT IS 30 FT X 30 FT.

SECTION 6 - LOCATION OF THE SUBJECT LAND

6.1 Location of Land

Municipal Address

3329A, HIGHWAY 11 NORTH, MARTIN RIVER ON, P4H 0T0

Legal Description

ROLL # 4869 890 000 06802, PT PCL 27936. SEC N1P
PART 7, PLAN 36R-8797.

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

APR 2017

SECTION 7 - DESCRIPTION OF SUBJECT LAND AND PROJECT

7.1 Description of any proposed buildings/structures

30 FT X 30 FT GARAGE

7.2 Property Information - Site

Lot Area: _____
Road Frontage: _____
Water Frontage: 200 FT
Lot Depth: _____
Lot Width: 200 FT

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

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

SECTION 8 - SERVICING INFORMATION

8.1 Check the appropria te Box	Provincial Highway	<input 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 FERGUSON ROAD	<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 type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A
	Other (e.g. private road) PRIVATE DRIVE WAY	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> N/A

12.3 Location of all proposed buildings and structures (Specify Distance)						
	Side Lot Lines	Rear Lot Lines	Front Lot Lines			
COTTAGE 7	100 FT FROM SHORE					
" 8	" "					
" 9	" "					
SHED	100 FT BEHIND COTTAGE 9					
SECTION 13 - SERVICES INFORMATION						
13.1 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A		
13.2 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A		
	If Other please explain:					
A certificate of approval, or comments, from the local Health Unit or Ministry of the Environment and energy (MOEE) submitted with this application will facilitate the review.						
13.3 Storm Water Drainage		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A		
If YES Please explain i.e. culvert, ditches or other:						
13.4 Are any of the following uses or features on the subject land or within 500 meters of the subject land: YES - ALL CONTAINED WITHIN 3329 A MARTEN RIVER						
Agriculture operation i.e. livestock facility or stockyard		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A		
Landfill		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A		
Sewage treatment plant or waste stabilisation plant provincial significant wetland (class 1,2,3)		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A		
Flood Plain		<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 _____

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 _____ *A SITE PLAN WAS PROVIDED BY PREVIOUS OWNER, MR BRIAN FENNEY WITH PROPOSED GARAGE IN 2017*

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

SECTION 15 - CHECKLIST

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) *- MINOR VARIANCE FEE OF \$1500.00 DEPOSITED IN TAX ACCOUNT*

SECTION 16 - AFFIDAVIT OF SWORN DECLARATION (to be completed by each owner)

I/WE, ALAN CORNÉ
(full name)

of the NORTH BAY, ON D10-863
(city, town)

in the 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 OF North Bay
(city, town)

in the District OF Nipissing
(region, county, district)

this 20th day of July, 20 20

Mandy Vallaneau
 (Commissioner, etc.)

[Signature]
 Signature of Applicant

Mandy Vallaneau, a Commissioner, etc.,
 Province of Ontario, for the Government of Ontario,
 Ministry of Government and Consumer Services.
 Expires December 9, 2022.

*Must be signed in the presence of the Commissioner.

Please provide a separate affidavit if more than one applicant.

SITE PLAN REQUIREMENTS

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

Site Plan Requirements:

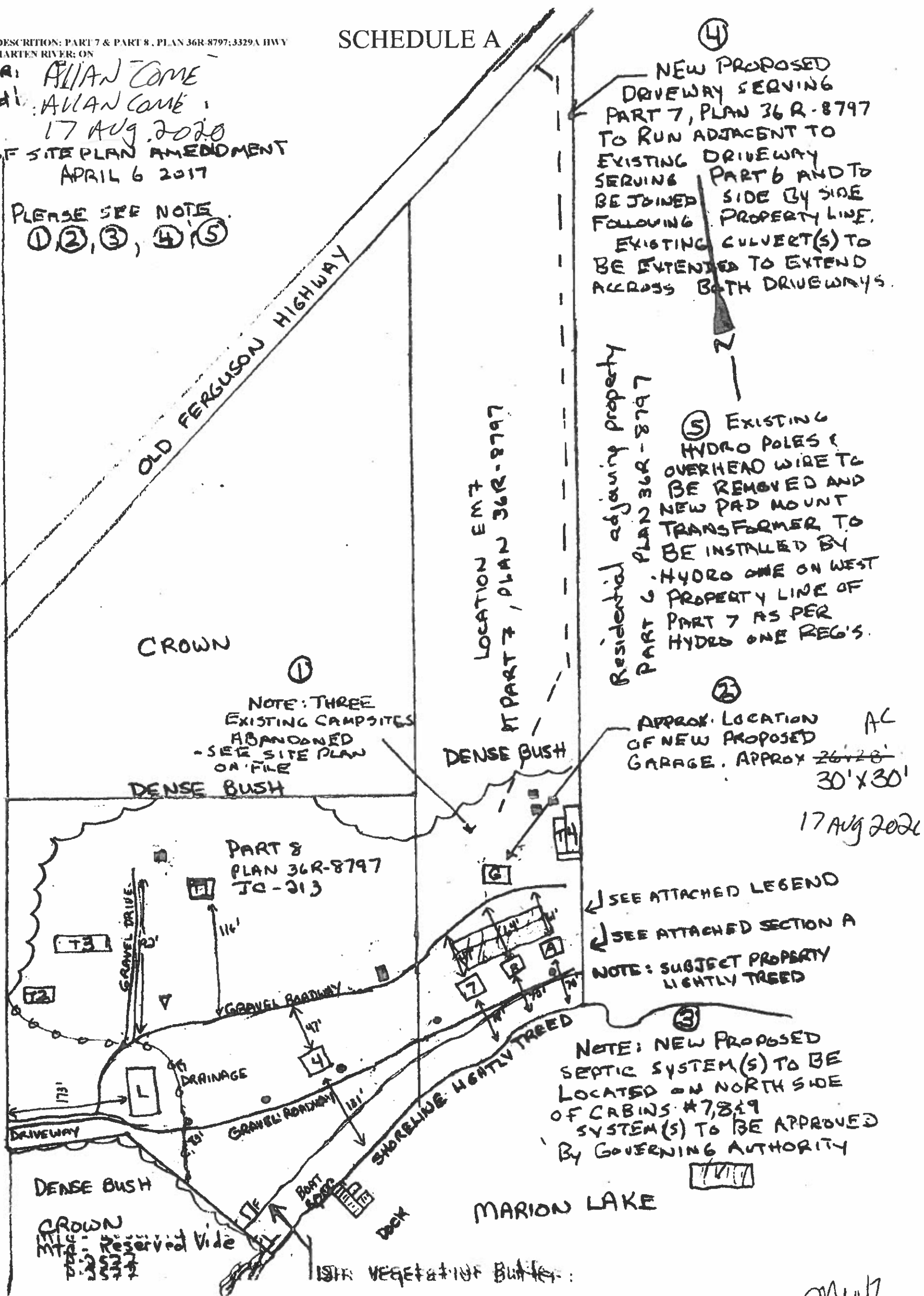
- ☒ The boundaries and dimensions of the subject land;
- ☒ The location, size, and type of all existing and proposed buildings and structures on the subject land, identifying which buildings and structures are existing and which are proposed. Also, indicating the distance of the buildings or structures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

SCHEDULE A

OWNER: *ALLAN COME*
Prepared: *ALLAN COME*
Date: *17 Aug. 2020*
DATE OF SITE PLAN AMENDMENT
APRIL 6 2017

PLEASE SEE NOTE
①, ②, ③, ④, ⑤

KING'S HIGHWAY NO. 11



PLAN 36R-8797

PART 8 - 3319 A.

PART 7 - 3329A HWY 11 North, Marten River

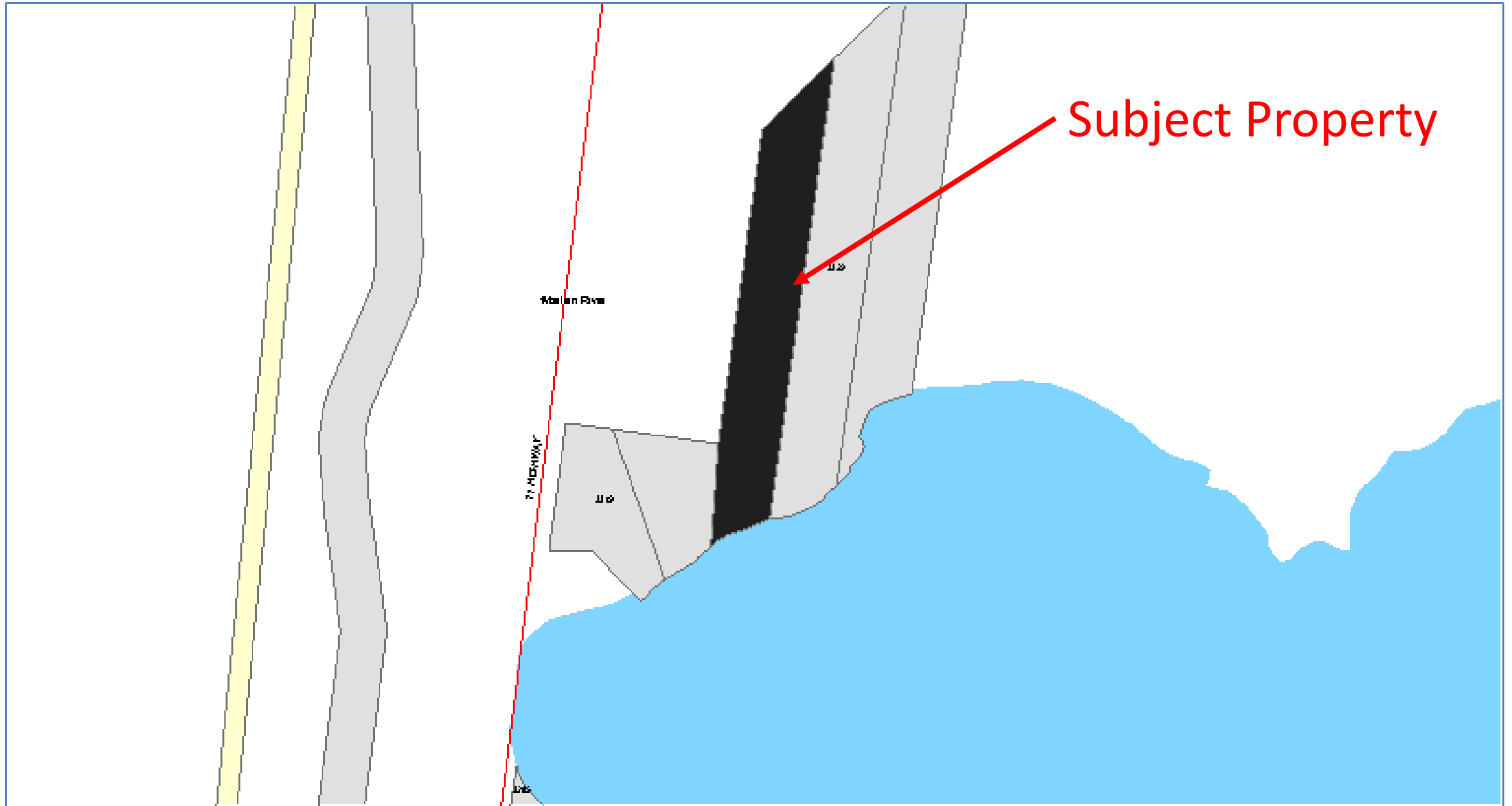
MINOR VARIANCE (MV-20-02)

APPLICANTS: ALLAN CASIMIR COMÉ
PROPERTY: 3329A HIGHWAY 11 NORTH
DATE: AUGUST 21, 2020

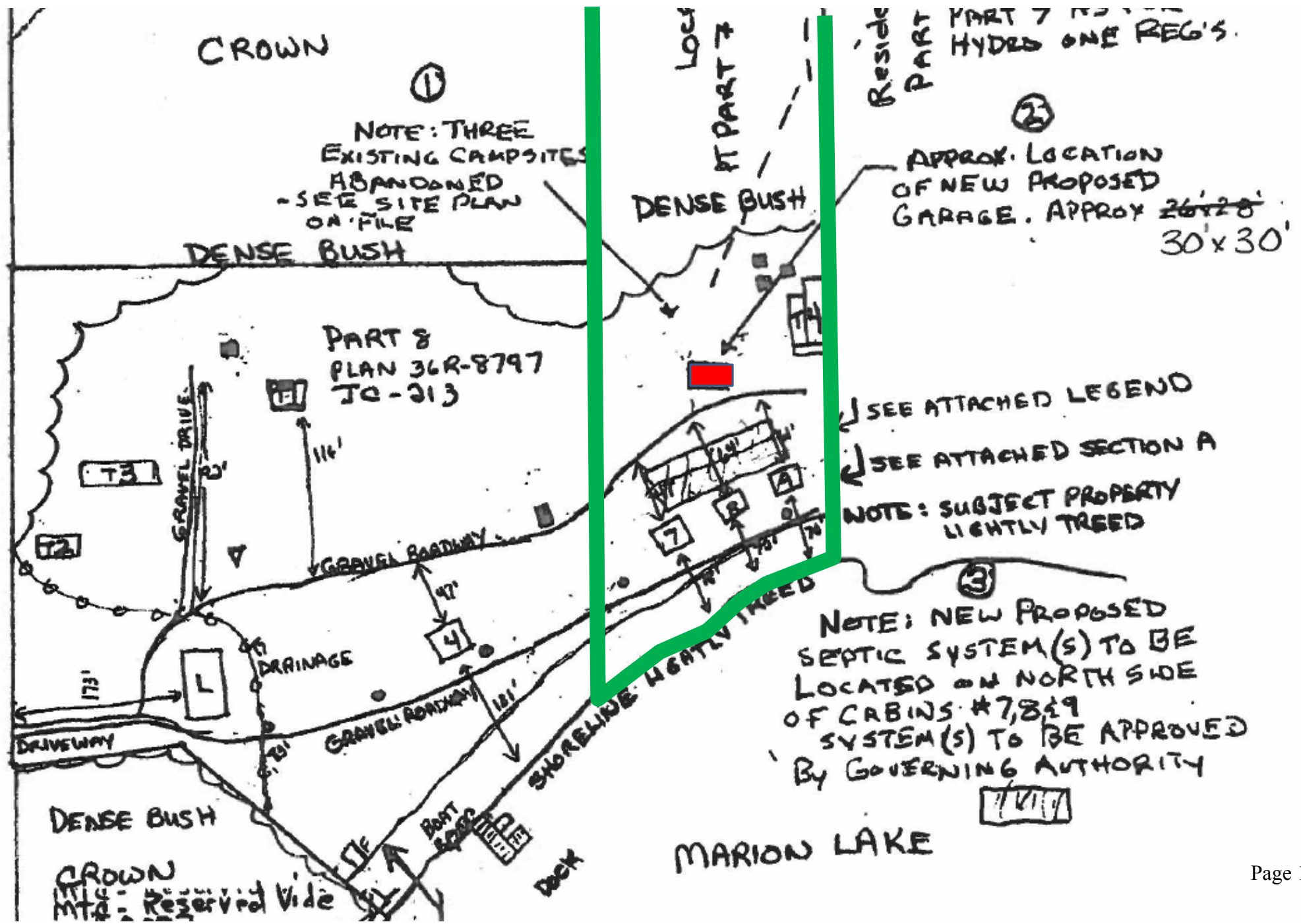


Purpose and Effect of the Applications

- To permit a variance to the maximum permitted gross floor area of a detached garage in the Remote Residential (R2).
- A maximum gross floor area for a detached garage in the R2 Zone is 72.5 square metres (780 square feet) – Section 7.5.2 a) (Detached Garage).
- The proposed detached garage has a gross floor area of 84 square metres (900 square feet).
- A variance to permit a detached garage to be 11.5 square metres (124 square feet) larger than permitted in the Zoning By-law is being sought.











THE FOUR TESTS OF A VARIANCE

In-keeping with the intent of the Official Plan

- Section 2.14 (Cultural Heritage Resources) – There is one known archaeological site located approximately 3.92 km from the subject property. Portions of land on the south side of Marian Lake are identified as “High Potential Heritage Areas.”
- Complete review of environment features such as: Aquatic Feeding Area, Areas of Natural & Scientific Interest, Calving Fawning Sites, Significant Ecological Area, Wetlands and Spawning Areas was completed and none of these features were identified on the subject property or within adjacent lands. A known canoe route has been identified throughout Marian Lake.
- Section 2.17 (Waterfront Development) – Guide development on waterfront properties and promotes the retention of vegetative buffers to screen development from the shoreline.
- Section 6.3.2 - Permanent and seasonal singled detached dwellings are permitted in the Marten River Neighbourhood.



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

- Variances proposed to:
 - Section 7.5.2 a) – Detached Garage for the R2 Remote Residential Zone of 72.5 square metres.
 - Proposed garage is 84 square metres.
 - Variance of 11.5 square metres larger than permitted by the Zoning By-law is being sought.
- Intent of a maximum gross floor area for a detached garage is to :
 - Limit the scale and built form of development on a lot.
 - Ensure that there is an appropriate relationship between the principal buildings and accessory buildings.

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

- The test of desirability is one that relates to the public interest.
- Existing character to remain. No impact on views from the lake.
- Residential uses are permitted.

Is the Variance Minor?

- A site visit was conducted.
- Based on a review of the variance and the application, the variance appears to be minor.

Comments Received

- Email from Ministry of Natural Resources and Forestry dated August 17, 2020 – no objections to the proposed construction.
- Email from Timiskaming Health Unit dated August 18, 2020 – as no septic is located on the subject property, (if septic system is located on the property) the proposed garage will need to meet the minimum clearance from the septic.

Recommendation

- Based on the review of Minor Variance application, it is recommended that the application be approved based on the application meets the four tests in the Planning Act.

Recommended Conditions:

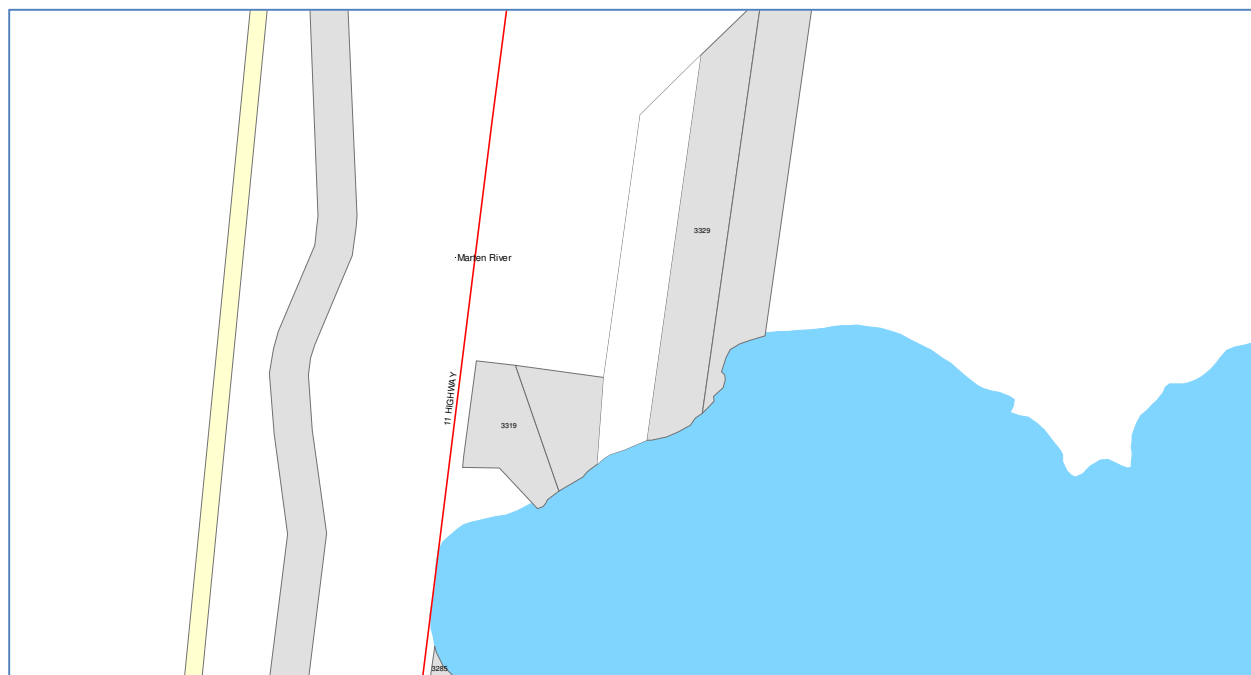
- 1) That the variance apply to the proposed detached garage referenced in the application sketch; and
- 2) Prior to the issuance of a building permit, the Site Plan Control Agreement for the subject property be amended, as necessary to reflect the proposed variance, and registered on title.

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Committee of Adjustment	Application Number:	MV-20-02
Report Prepared By:	Tammy Lepage, Planning Clerk for: Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant(s):	Allan Casimir Com��
Location:	3329A Highway 11 North	Owners:	Same as applicant
Report Date:	August 21, 2020	Application Type:	Minor Variance

A. PROPOSAL/BACKGROUND

Application for a Minor Variance has been submitted for the subject property located at 3329A Highway 11 North, by the owner Allan Casimir Com  . The subject property is legally described as: SISK PT SUMMER RESORT LOC EM7 RP 36R8797 PT PART 7 PCL 27936 NIP; MUNICIPALITY OF TEMAGAMI. The subject property is located within the Integrated Management Area designation and within the Marten River Neighbourhood in the Official Plan. The subject property is located within the Remote Residential (R2) Zone 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 2.6 hectares (6.5 acres) and a lot frontage 64 metres on the shoreline of Marian Lake. The subject property is generally located on the east side of

Highway 11 and in the southern portion of the Municipality. Immediate surrounding land uses include shoreline residential uses and a tourist commercial use. An aerial of the subject property is included in Figure 2.

Figure 2: Aerial of Subject Property



As indicated on the application and confirmed by the owner, the subject property currently contains three existing cottages and a shed. There is currently no septic system on the subject property and the existing cottages are currently serviced by holding tanks on a pumping schedule with KONO Septic in North Bay. Water is pumped from the lake for water supply.

The proposed Minor Variance application is to permit a detached garage that exceeds the maximum gross floor area permitted in the R2 zone. The proposed detached garage has a gross floor area of 84 square metres (900 square feet) where a maximum gross floor area of 72.5 square metres is permitted.

In regards to Section 2.14 of the Official Plan titled Cultural Heritage Features and Section 9.24 of the Official Plan titled Complete Application, the application was reviewed and the following was confirmed:

- There is one known archaeological site located approximately 3.92 km from the subject property;
- A complete review of environment features such as: Aquatic Feeding Area, Areas of Natural & Scientific Interest, Calving Fawning Sites, Significant Ecological Area,

Wetlands and Spawning Areas was completed and none of these features were identified on the subject property or within adjacent lands.

- Portions of land on the south side of Marian Lake are identified as “High Potential Heritage Areas” on a historic resource map from the Ministry of Natural Resources and Forestry. This mapping identifies a known canoe route throughout Marian Lake. Lands located on the north side of the lake are not identified for high potential of archaeological resources.

At the time this report was being prepared, the Notice of Public Hearing has been sent to Temagami First Nation for comments on the application. Staff will continue to reach out to Temagami First Nation in order to obtain comments or to confirm if additional time is required to review the application. The application was circulated because the owner has strict timelines for construction of the detached garage; however, if additional comments are raised during the commenting period, a deferral may be recommended on this basis.

The subject property is not identified as an area of high potential for archaeological resources, and therefore it is staff’s opinion that an archaeological assessment is not required in order to permit the proposed detached garage on the subject property, however comments have not been received to date from Temagami First Nation.

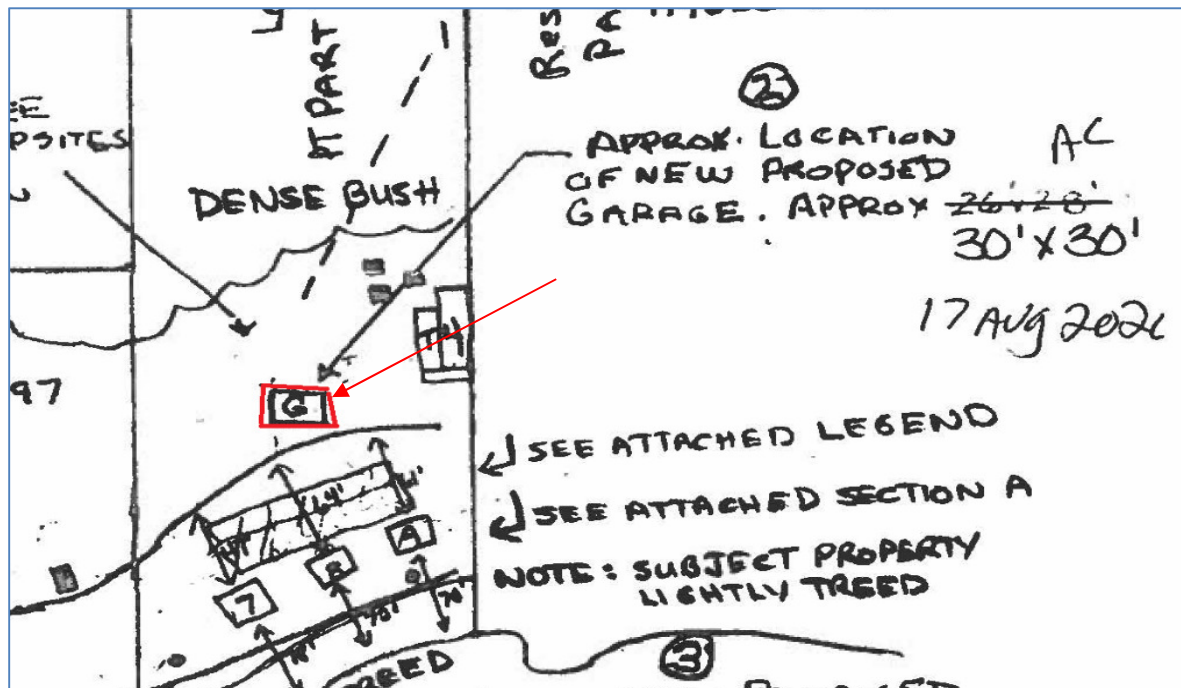
Notice of the Public Hearing was given by circulating prescribed persons and agencies, posting at the subject property and postings on the Municipality’s website and Welcome Centre notice board on August 17, 2020.

It should be noted that Municipal Staff conducted a site visit to the subject property on August 17, 2020. Photos of the subject property are included in Attachment #1 to this Report.

B. PROPOSED MINOR VARIANCE

The subject property is located within the Remote Residential (R2) Zone in the Zoning By-law. The maximum gross floor area of a detached garage for the R2 Zone is 72.5 square metres, as stated in Section 7.5.2 a) (Detached Garage) of the Zoning By-law. As a result of the proposed gross floor area of the detached garage, a variance to the maximum gross floor area is required. The proposed detached garage is 9.1 metres by 9.1 meters (30 feet by 30 feet) with a gross floor area of 84 square metres (900 square feet). A variance to permit a detached garage to be 11.5 square metres (124 square feet) larger than permitted in the Zoning By-law is being sought. The location of the proposed detached garage is shown in Figure 3 in red.

Figure 3: Proposed Development



C. COMMENTS RECEIVED

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

- Email from Ministry of Natural Resources and Forestry dated August 17, 2020 – no objections to the proposed construction.
- Email from Timiskaming Health Unit dated August 18, 2020 – as no septic is located on the subject property, (if septic system is located on the property) the proposed garage will need to meet the minimum clearance from the septic.

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

D. THE FOUR TESTS OF A MINOR VARIANCE

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 Integrated Management Area and is located within the Marten River Neighbourhood in the Official Plan. A fundamental goal for the Marten River

Neighbourhood is to encourage rural and remote residential development throughout the Neighbourhood, as referenced in Section 6.2.1 of the Official Plan.

Section 6.3.2 of the Official Plan references the permitted uses within the Marten River Neighbourhood, which include: permanent or seasonal single detached dwelling units and accessory uses. Furthermore, Section 6.3.3 of the Official Plan permits accessory uses which includes a garage on lots that permit residential dwellings. Uses that are permitted within the Integrated Management Area designation include existing and new private residential development, as referenced in Section 6.4.1 of the Official Plan.

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 detached garage is to be located behind the existing development on the subject property and is to be setback approximately 60 metres from the shore. The proposed detached garage appears to be sited at a location that is not visible from the Lake, this was confirmed during the site inspection held on August 17, 2020.

The purpose of the maximum gross floor area for detached garages in the Zoning By-law is to limit the scale of accessory uses and to ensure accessory building remain as secondary to the principal use. Based on the proposed size, location and use of the proposed detached garage, it is our opinion that the detached garage at the size proposed is appropriate on the subject property.

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

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

The subject property is located within the Remote Residential (R2) Zone in the Municipality of Temagami's Zoning By-law. The permitted uses of the R2 Zone are listed under Section 7.5.1 and include a permanent dwelling unit and a detached garage. Based on the current zoning and the existing development, the existing three cottages would be considered as legal non-complying.

The proposed detached garage is compliant to the setback standards of the Zoning By-law; however, exceeds the maximum gross floor area of a detached garage permitted in the R2 Zone. The maximum gross floor area of a detached garage is 72.5 square metres, and the proposed detached garage is 84 square metres.

The Zoning By-law includes regulations to restrict the size of a detached garage to ensure that the accessory building remains accessory to the principal dwelling on property. Although, the proposed detached garage exceeds the maximum gross floor area permitted in the Zoning By-law, the detached garage remains accessory to the principal dwelling and used for the purpose of storing motorized vehicles. Further, the location of the proposed detached garage is located well setback from the shore and behind existing vegetation cover. Impacts are also not anticipated on adjacent properties as a result of the new detached garage.

The proposed variance is in-keeping with the intent of the Zoning By-law.

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

The subject property is currently used for residential purposes. The proposed variance would not change the existing land use. The applicant is seeking to construct a new detached garage, which is an accessory use to the principal residential used on the subject property. The proposed development 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 variance is desirable.

4) Is the variance minor?

Municipal staff conducted a site inspection to the subject property on August 17, 2020. Based on the site inspection and a review of the application, it is our opinion that the variance is minor in nature. The proposed detached garage with a gross floor area of 84 square metres is appropriate for the proposed detached garage. Based on the information presented in the application package and our review, the proposed variance appears to be minor.

E. SUMMARY

Based on the review of the Minor Variance application MV-20-02 submitted by Allan Com  , the proposed variance is in-keeping with the intent of the Official Plan, the intent of the Zoning By-law, can be considered desirable development for the subject property, and appears to be minor. It is recommended that the variance be approved that would permit a new detached garage with a gross floor area of 84 square metres, subject to the review of other agency comments that are received on the application up until the Committee of Adjustment meeting. Additional conditions may be included following the submission and review of further comments.

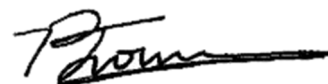
It is recommended that the variance be approved subject to the following conditions:

1. That the variance apply to the proposed detached garage referenced in the application sketch; and
2. Prior to the issuance of a building permit, the Site Plan Control Agreement for the subject property be amended, as necessary to reflect the proposed variance, and registered on title.

Respectfully Submitted,
MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate

VIEW OF NOTICE POSTED



VIEW FROM THE LAKE



VIEW OF PROPOSED SITE OF GARAGE



VIEW OF PROPOSED SITE OF GARAGE



VIEW OF CURRENT DEVELOPMENT



VIEW OF CURRENT DEVELOPMENT



VIEW OF CURRENT DEVELOPMENT



VIEW OF ADDRESS



Tammy Lepage

From: Moussa, Trish (MNRF) <trish.moussa@ontario.ca>
Sent: August 17, 2020 4:11 PM
To: Tammy Lepage
Subject: Re: Notice of Public Hearing and Complete application - MV-20-02

Hi Tammy,
The MNRF has no concerns regarding the construction of the garage in the location that is identified on.
If you have any questions please let me know.
thanx
Trish Moussa



From: Tammy Lepage <planning@Temagami.ca>
Sent: Monday, August 17, 2020 3:59 PM
To: Moussa, Trish (MNRF) <trish.moussa@ontario.ca>
Cc: Robinson, Julie (MNRF) <Julie.Robinson@ontario.ca>
Subject: Notice of Public Hearing and Complete application - MV-20-02

CAUTION – EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good afternoon Trish,

Please see the attached Notice of Public Hearing for MV-20-02. I've also attached the application for your review.

I'm asking if the Ministry has any concerns or any interest in this property.

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

Sincerely,

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

Tammy Lepage

From: John Dickinson <dickinsonj@timiskaminghu.com>
Sent: August 18, 2020 7:31 AM
To: Tammy Lepage
Subject: RE: Notice of Public Hearing and Complete Application - MV-20-02

Hey Tammy disregard tax bill all the info was on the variance I tried to pull the file CGIS indicates there is no septic on this property. If there is a septic we do not have a file there for the system would need to be exposed so that it can be shown that the proposed garage will meet minimum clearance from the septic

From: Tammy Lepage [mailto:planning@Temagami.ca]
Sent: August-17-20 4:05 PM
To: John Dickinson <dickinsonj@timiskaminghu.com>
Subject: Notice of Public Hearing and Complete Application - MV-20-02



Good afternoon John,

Please see the attached Notice of Public Hearing MV-20-02 – ^{3327A}~~3319B~~ Highway 11 North

If you have any questions/concerns/comments regarding the application, please don't hesitate to contact me.

I've also attached the complete application for you to review.

Enjoy your day.

Sincerely,

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



NOTICE OF DECISION

1. Application No.: MV-20-02 (Minor Variance Application)
2. Applicant/ Owner: Allan Com 
3. Date of Hearing: August 27, 2020
4. Date of Decision: August 27, 2020
5. Date of Notice of Application: August 17, 2020
6. Zoning: Remote Residential (R2) Zone
7. Designation: Integrated Management Area (Marten River Neighbourhood)
8. Location and Legal Description of Property: at 3329A Highway 11 North, by the owner Allan Casimir Com . The subject property is legally described as: SISK PT SUMMER RESORT LOC EM7 RP 36R8797 PT PART 7 PCL 27936 NIP; MUNICIPALITY OF TEMAGAMI.

9. Decision

The purpose of this minor variance application is to seek a variance to the maximum permitted gross floor area of a detached garage in the Remote Residential (R2) Zone. Section 7.5.2 Detached Garage a) permits a detached garage within the R2 Zone with a maximum gross floor area of 72.5 square metres (780 square feet). The applicant is proposing to construct a new detached garage that is 9.1 metres by 9.1 metres (30 feet by 30 feet) with a gross floor area of 84 square metres (900 square feet).

A variance to permit a detached garage to be 11.5 square metres (124 square feet) larger than permitted in the Zoning By-law is being sought.

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

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

1. That the variance apply to the proposed detached garage referenced in the application sketch; and
2. Prior to the issuance of a building permit, the Site Plan Control Agreement for the subject property be amended as necessary to reflect the proposed variance, and registered on title.

10. Reasons:

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

- Based on the review of the Minor Variance application MV-20-02 submitted by Allan Com  , the application meets the intent of the Official Plan, the intent of the Zoning By-law, is desirable development, and appears to be minor.

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

- Email from Ministry of Natural Resources and Forestry dated August 17, 2020 – No objections.
- Email from John Dickinson, Timiskaming Health Unit dated August 18, 2020 – No septic on this property; however, if one is present the system would need to be exposed so that it can be shown that the proposed garage will meet minimum clearance from the septic.

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

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

Concur in the decision:

Cathy Dwyer, Chair

Barry Graham, Member

Barret Leudke, 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 **September 16, 2020 [20 days following the 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, payable to the Minister of Finance, Province of Ontario.

Notice of Decision
Application # M-20-02
Page 3

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: August _____, 2020

Certified by:

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