

REPORT PREPARED FOR:	Committee of Adjustment	APPLICATION NUMBER:	MV-19-01
REPORT PREPARED BY:	Tammy Lepage	APPLICANT/OWNERS NAME:	John O. Shepard & Mary. S. Shepard
REPORT REVIEWED BY:	Jamie Robinson, BES, MCIP, RPP		
LOCATION:	2 Lake Temagami, Island 1176		
REPORT DATE:	April 16, 2019	APPLICATION TYPE:	Minor Variance

1. PROPOSAL BACKGROUND

John O. Shepard and Mary S. Shepard have submitted an application for a Minor Variance to permit the construction of a new cottage. The electronic application was received March 26, 2019, and the hard copy was received April 3, 2019. The subject property is locally known as 2 Lake Temagami, Island 1176, within the Municipality of Temagami. The subject property is shown in black on Figure 1 and Figure 2.

The Island has a length of 175 metres and a width of 45 metres with bedrock on the east and west side, limiting the potential cottage location. The applicants have altered the footprint of the proposed cottage compared to a previously prepared Site Plan Sketch that was provided to the Municipality.

FIGURE 1: SUBJECT PROPERTY



The purpose of the application is to permit the construction of a new cottage that is located partially within the Shoreline Activity Area (SAA), and that does not meet the minimum required setback from the shore.

The subject property has a lot area of 0.91 hectares and has a lot frontage of approximately 175 metres. The surrounding land uses include residential island uses. The subject property is currently developed with a 48.3 square metre cottage, a 22.3square metre boathouse, a 1.2 square outhouse, and a dock. The subject property is approximately 18.6 km away from the Lake Temagami Access Road as shown in Figure 2.

An excerpt from a sketch submitted with the application shows the existing development on the subject property, as detailed in Figure 3. The proposed cottage, at its closest point, is 14 metres from the shore (on the eastern side of the island), and located partially within the SAA. The SAA is the area of land within 15 metres of the shore.

FIGURE 2: DISTANCE TO THE LAKE TEMAGAMI

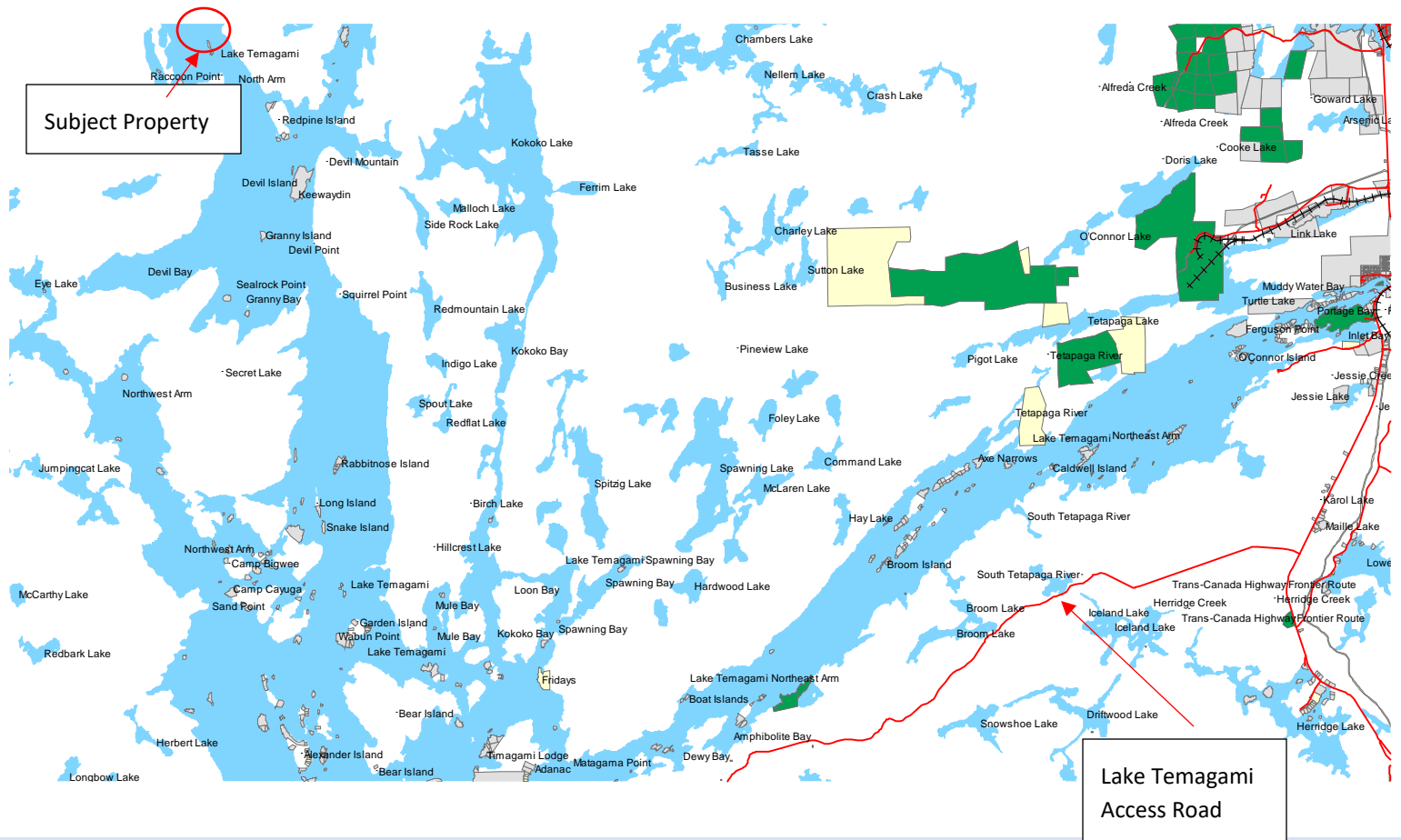
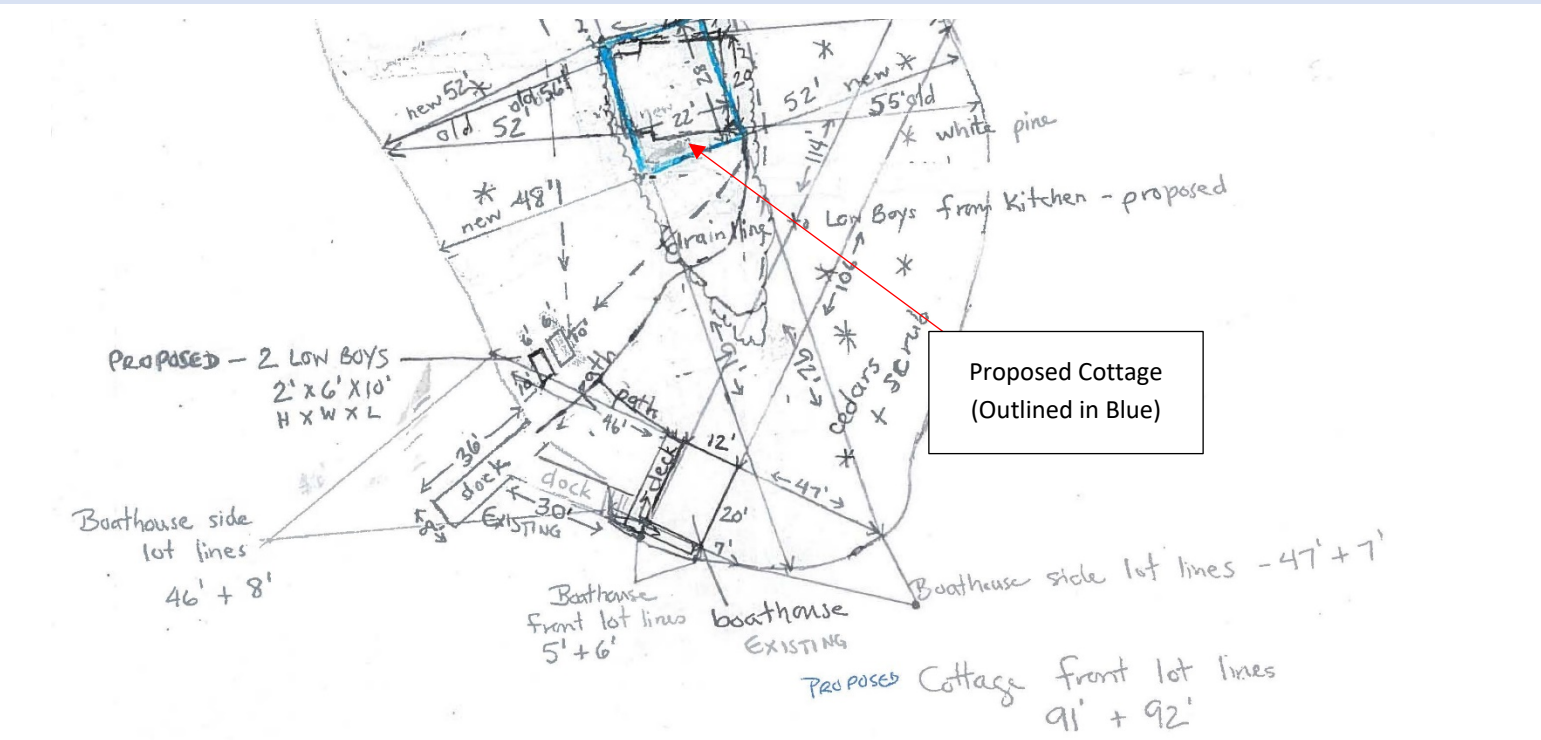


FIGURE 3: EXISTING/PROPOSED DEVELOPMENT



The subject property is located within the Lake Temagami Neighbourhood and is designated Special Management Area in the Municipality of Temagami Official Plan. The subject property is located within the Remote Residential (R1) Zone (Lake Temagami) in the Municipality's Zoning By-Law 06-650.

In order to accommodate the proposed development, variances to the following Sections of the Zoning By-law are required:

- Section 7.4.2 Any dwelling unit a) – To permit an addition to an existing cottage that is located 14 metres from the shore where a minimum setback of 15 metres is required.

2. THE FOUR TEST OF A MINOR VARIANCE

The Committee needs to be satisfied that the proposal is in-keeping with the “Four Tests” of a minor variance set out in the *Planning Act*. As part of the Minor Variance application Site Plan Application No. SPC-18-23 was completed the 17th day of December, 2018. A site visit was completed on November 9, 2018 by the Chief Building Official. All measurements on the submitted sketch have been confirmed accurate.

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

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

The subject property is designated as Special Management Area in the Municipality of Temagami’s Official Plan. Section 2.17 provides general policies, which guides development on waterfront properties. These policies promote development and preservation of vegetative buffers and screening from shorelines. Building coverage should be limited in relation to the lot size and frontage in an effort to maintain natural vegetation along the shoreline.

Section 2.14 “Cultural Heritage Features” and Section 9.24 “Complete Application” Section 2.14 “Cultural heritage features” & Section 9.24 “Complete application” were reviewed upon my return, as there are two known archaeological features approximately 350 metres away from the property. The subject property contains existing development, and for this reason, Municipal Staff do not recommend that an Archaeological Assessment be required.

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

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

The subject property appears to be well vegetation from the aerial photography and could provide for screening to minimize visual impact from the shoreline; as such, the proposed development appears to maintain the character of the shoreline. Although the exiting cottage is being slightly lengthened, the width is not increasing. The proposed cottage would appear to be appropriate in relation to the character of the area, lot size and frontage, as shown in the figure below:



EXISTING COTTAGE

Section 5.3.2 of the Official Plan permits residential uses within the Lake Temagami Neighbourhood, including permanent or seasonal single detached dwelling units on islands in Lake Temagami and accessory uses such as boat houses, docks and storage sheds, among others.

As per section 9.6.5 of the Official Plan the Temagami First Nation are to be circulated and notified of all planning and pre-consultation application proposed within the Municipality of Temagami. The Temagami First Nation was circulated on this application.

Based on the review of the policies in the Official plan, the proposed variance would meet the intent of the Official Plan.

2. Is the variance in-keeping with the intent of the Zoning By-Law?

- Section 7.4.2 Any dwelling unit a) – To permit the construction of a new cottage that is located 14 metres from the shore, where a minimum setback of 15 metres is required.

The required minimum distance from the shore is to ensure adequate setbacks of buildings from the shoreline to avoid erosion hazards, and to maintain the character of the area. The existing cottage is currently setback approximately 14 metres from the shore on the east side of the subject property, however, the new proposed cottage is proposed to slightly encroach into the required setback on the west side of the subject property (also 14 metres). The location for development on the island is limited, and the proposed cottage is situated in the general location of the existing cottage, and the vegetation will be maintained along the shoreline.

Furthermore, all other standards of the Zoning By-law are met – including SAA coverage, overall lot coverage and building height.

Based on a review of the provisions in the Zoning By-law, the proposed variance does appear to meet the intent of the Zoning By-law.

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

The current use of the subject property is residential. The proposed variance is not changing the existing land use. The applicant seeks to demolish the existing 48.3 square metres, one storey cottage and replace it, with a 88.4 square metres (gross floor area), two story cottage, which will be located 14 metres away from the shoreline where a minimum 15 metres setback is permitted. The footprint of the proposed cottage is approximately 57 square metres. The existing cottage is located 14 metres from the shore on the eastern side of the island. The proposed cottage is also to be located 14 metres from the shore on the western side of the island.

Although the cottage is being constructed to two storeys, the proposed height is permitted in the Zoning By-law (maximum 9 metres). The overall footprint of the cottage is only slightly increasing from the existing, and the location of the new cottage is in the same general location as the existing. The location of the cottage appears to be screened from the lake, and the site appears to be well vegetated. Areas for development on the subject property are limited, and the proposed location is appropriate for the building. The proposed variance will provide for the desirable development of the land.

4. Is the variance minor?

The proposed variance is to permit the construction of a new cottage that is 14 metres from the shore, on the western and eastern side of the island. The reduction to the required setback can be considered minor based on the review of the previous three tests.

AGENCY COMMENTS:

- A copy of the Timiskaming Health Unit Certificate of Approval has been included in the application. Comment submission dated April 12, 2019 no objection to the variance, please note no Use permit has yet been issued by the Timiskaming Health Unit.
- Comment received from April 16, 2019 from Temagami First Nation, no issues or concerns.

3. CONCLUSION

Based on the review of the application, the Minor Variance meets the intent of the Official Plan, the intent of the Zoning By-Law and can be considered desirable development for the property.

The Committee of Adjustment with their local knowledge of the area, should be appeased that the variance to permit a new cottage within 14 metres of the shore (on the west and east sides of the subject property) is minor.

Should the variance be approved, a condition should be included that the Site Plan Amendment to SPC-18-23 be completed.