

**The Corporation of the Municipality of Temagami
COMMITTEE OF ADJUSTMENT
The Municipality of Temagami Theatre
November 22, 2018 at 1:00 pm
MINUTES**

An audio recording of this meeting has been made and is available through the Municipal Website.
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Committee of Adjustment Members: Jim Hasler, Cathy Dwyer, Claire Rannie, and Barry Graham.

Staff: Secretary-Treasurer: Tammy Lepage; Planner: Jamie Robinson (by phone);

Absent: Nicole Brooker (With Notice) Ron Prefasi (With Notice), Barret Leudke (With Notice), Bruce Rice (With Notice) & Gary Cline (With Notice),

Members of the Public: 2

Call to Order

The Secretary Treasurer called the meeting to order at 1:00 pm.

In the absence of the Chair, the consensus of the Committee passed the following motion:

18-23

MOVED BY: C. Dwyer

SECONDED BY: J. Hasler

BE IT RESOLVED THAT the Committee of Adjustment appoint Barry Graham as Chair for this meeting.

CARRIED

The Chair introduced the Committee members.

The Secretary-Treasurer read out the meeting procedures.

Adoption of Agenda

18-24

MOVED BY: C. Rannie

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT the agenda dated November 22, 2018 be adopted as presented.

CARRIED

Approval of Minutes

18-25

MOVED BY: C. Dwyer

SECONDED BY: C. Rannie

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held October 25, 2018 be adopted presented.

CARRIED

Declarations of Conflict of Interest

Cathy Dwyer declared as she is the contractor for the applicant.

Deferred Application

None.

P. Townes joined the meeting by phone at 1:08 p.m.

New Applications

1) Application No. MV-18-06

Applicant: Duff Ryan on behalf of Tarik Muzaffar and Annette Niebuhr

Property Location: 20 Lake Temagami Island 1119

THE PURPOSE of the Application is: to permit the construction of multiple additions to an existing cottage that is located within the Shoreline Activity Area and to permit additions that do not meet the minimum required setback from the shore. The proposed additions are located to the side and to the rear of the existing cottage.

THE EFFECT of the Application is: to vary the following sections of the Zoning By-law: **Section 6.28** – To permit an expansion of a legal non-complying dwelling that is located partially within the Shoreline Activity Area. The existing cottage is 103.5 square metres (1,114 square feet) in size and the proposed additions total 110.5 square metres (1,189 square feet) in size; **Section 6.40** – To permit an increase in the maximum area of structures within the Shoreline Activity Area of 135 square metres where 100 square metres is permitted; **Section 7.4.2** Any dwelling unit a) – To permit an addition to the existing cottage that is located 6.0 metres from the shore; and to permit a covered deck that is located 4.0 metres from the shore, where 15.0 metres is required; **Section 7.4.2** The lot g) – To permit a maximum lot coverage 10.5% where a maximum lot coverage of 8% is permitted.

Presentation of the Applications

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated November 13, 2018, with the meeting package. Patrick Townes of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He explained the four test of the minor variance as per s. 45 of the *Planning Act*, and that the intent of the Official Plan and zoning by-law has not been met with the proposed addition to the north side of the cottage. The proposed development did not meet the minimum distance of 15 metres from the shore, the 100 square metres of maximum area of structures permitted within the Shoreline Activity Area (SAA) and the expansion of an existing legal non-complying dwelling would require a variance to the above noted sections of the zoning by-law. He further explained that based on the updated materials provided by the Agent, which was submitted after the planning report was compiled. His review of the application, the application does not satisfy the four tests for the proposed development on the north side of the cottage and recommends the variance be deferred.

Correspondence Included in the Packages

- Correspondence from Timiskaming Health Unit dated November 8, 2018 – no objections subject to no increase of bedrooms as the Class 4 sewage system was installed in 2015 can service a maximum of four bedrooms.

Correspondence Received After Packages Were Compiled

The Secretary-Treasurer read out the correspondence below:

- Temagami Lakes Association received November 15, 2018 – objections subject to the request for further encroaching into the SAA. Request a condition be imposed to restrict the removal of vegetation and enter into a site plan agreement with the Municipality.
- Joe Wood received November 20, 2018 – no objections
- David Grannary dated November 22, 2018 – no objections

Presentation of the Application by the Applicant/Agent:

B. Graham moved away from the table at 1:33p.m to view the presentation from the applicant.

The Agent Duff Ryan and owner Tarik Muzaffar presented a PPT presentation including videos of the proposed development to the Committee. He spoke to the application and informed the Committee the reason for the proposed development in the location. Duff Ryan further explained that the viewscape will not change with the proposed development. He addressed the Timiskaming

Health Unit concerns regarding the maximum number of bedrooms that the Septic system could sustain. He confirmed that the cottage only has two bedrooms at this time. He advised the committee that in order to meet conformity with the by-law, the naturel trees surrounding the cottage would need to be cut down and the main importance of the applicant and agent is to preserve the trees and natural viewscapes. The owner Tarik Muzaffar spoke to the application, and informed the Committee that the proposed development is to meet the needs of the expanding family.

Barry Graham returned to the table at 1:44p.m.

Questions/Comments by other Property Owners:

- None.

Questions/Comments by Committee of Adjustment Members:

The Committee of Adjustment Members had the following questions/comments:

- Concerns that the corridor is to be widen as demonstrated in the model it appears to be expanded. The applicant addressed the concerns and the corridor will not be widened.
- Concerns with the colours of the chimney and the applicant informed the committee that the colours are to match the natural setting of the surroundings.
- Comment regarding that the cottage is legal non-conforming, and they are requiring is 1 metre closer than the existing cottage. P. Townes would like an opportunity to review all of the information that was provided at the meeting and would like to defer the applications.
- Concerns with continuation of the non-compliance.
- Comment majority of boat traffic is to the east of Rabbit Nose.
- Comment that the application be deferred until the larger scale maps are provided and the planner had an opportunity to review the materials provided by the applicants.

The Secretary-Treasurer went to seek guidance from the Treasurer/Administrator on procedure matter when quorum began with four members & one declaration of conflict was declared. (2:15 and returned at 2:20) The Secretary-Treasurer read from the Committee of Adjustment By-law that no decision of the Committee is valid unless the majority of the members that heard the application whether it being to grant, refuse or defer. .

A brief recess took place 2:20 and reconvened at 2:25 p.m.

Craig Davidson joined the meeting to provide advice to the Committee on the procedures for the Chair voting on a decision. Craig Davidson informed the Committee that the Chair can vacate his seat and as the Committee has not chosen a Vice Chair they can appoint another.

18-26

MOVEDBY: C. Rannie

SECONDED BY: B. Graham

BE IT RESOLVED THAT the Committee appoint Jim Hasler while Barry Graham vacates his Seat as Chair

CARRRIED

Discussion/Decision by Committee Members

J. Hasler did not concur with the decision of granting the application.

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

Application: MV-18-06

18-27

MOVED BY: B. Graham

SECONDED BY: C. Rannie

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-18-06

Applicant: Duff Ryan on behalf of Tarik Muzaffar and Annette Niebuhr

Subject to the attached Notice of Decision.

CARRIED

B. Graham resumed his seat as Chair.

The notice of decision shall reflect that the variance shall be granted subject to: the variance only apply to the proposed addition as shown in the application sketch and that the applicant enter a site plan agreement amendment with the Municipality of Temagami.

The reason cited for this decision was that the application did not satisfy 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.

P.Townes was excused from the meeting at 2:29 p.m.

Adjourned Applications

None.

New Business

None.

Adjournment

18-28

MOVED BY: J. Hasler

SECONDED BY: C. Rannie

BE IT RESOLVED THAT the November 22, 2018 Committee of Adjustment meeting be adjourned at 2:35 p.m.

CARRIED

Prepared by Tammy Lepage
Secretary-Treasurer Committee of Adjustment