



Municipality of Temagami

CONSENT APPLICATION PLANNING CLERK REPORT

Report Date: | July 11, 2019

REPORT PREPARED FOR:	COMMITTEE OF ADJUSTMENT
REPORT PREPARED BY:	T. LEPAGE, PLANNING CLERK
REPORT REVIEWED BY:	J. ROBINSON, MCIP, RPP, MHBC, PLANNING CONSULTANT
APPLICATION NO.:	C-19-02
DATE OF NOTICE OF HEARING:	JULY 11, 2019
DATE OF HEARING:	JULY 25, 2019
SUBJECT LAND:	852 TONOMO LAKE ROAD
APPLICANT:	NICOLE POIRIER



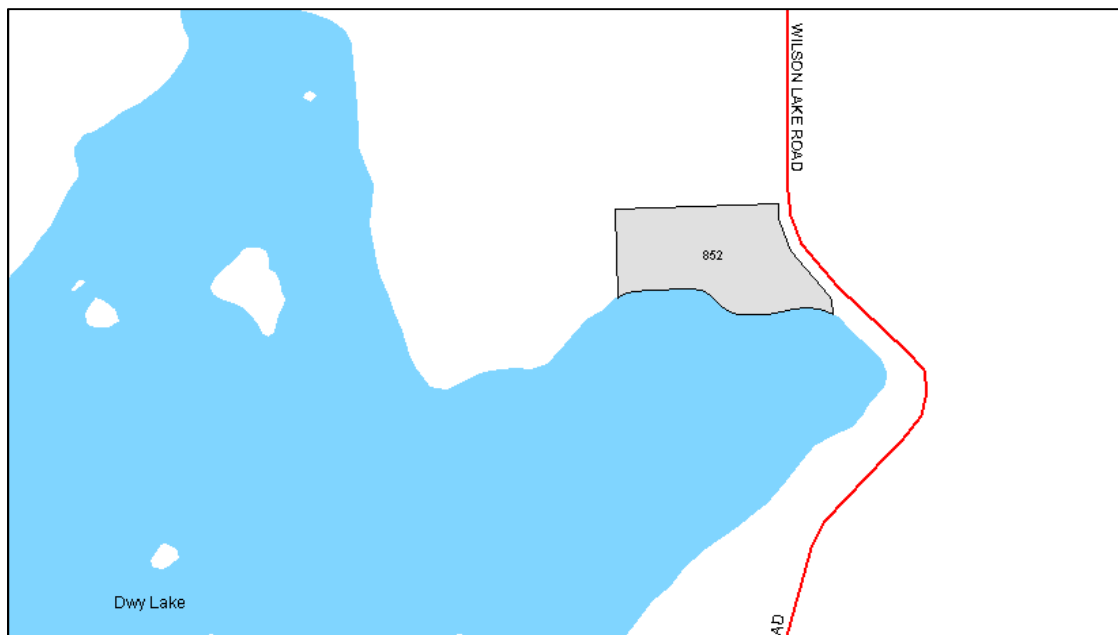
APPLICATION REVIEW

The intake review of the application was deemed complete on June 24, 2019. Notice of the Public Hearing was given by circulating prescribed persons and agencies, posting on the subject property, and postings on the Municipality's website & Welcome Centre notice board on July 11, 2019.

BACKGROUND

Nicole Poirier has submitted an application for Consent. The subject property fronts Wilson Lake Road/Tonomo Lake Road, off of Highway 11 North. The subject property is locally known as 852 Tonomo Lake Road, within the Municipality of Temagami. The subject property is shown in grey in Figure 1. The subject property has a lot area of 1.6 hectares (4 acres) and a lot frontage of 170 metres on Loon/DWY Lake.

Figure 1: Subject Property



PROPOSAL

The purpose of the application is to sever the western portion of the subject property, and to create one new lot. The effect of the proposed consent will result in the existing development being separated on the subject property. The applicant is requesting a severance to facilitate the sale of the existing three cabins, independent of the existing accessory residential dwelling. The proposed lot containing the three cabins (severed lands) is proposed to be 0.8 hectares (2 acres) in lot area, and the proposed lot containing

[illegible]

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

SITE ANALYSIS

The retained lands are proposed to contain one dwelling and accessory buildings/structures and the severed lands are proposed to contain the three cabins. The cabins are proposed to be used as rental cabins. The existing development on the retained lands are serviced by a class 4 septic system (attached Certificate of approval) and water is drawn from Loon/DWY Lake. The application does not include details regarding the servicing (water and septic system); however, a condition of consent will be included that services be provided to the satisfaction of the Municipality.

ADJACENT LAND USES

North – Crown Land

East – Crown Land

South – Loon Lake/DWY Lake

West – Wilson Lake Road & Tonomo Lake Road

PLANNING ANALYSIS

Provincial Policy Statement (PPS)

The Provincial Policy Statement, 2014 was approved on April 30, 2014 by the Ministry of Municipal Affairs and Housing and is applicable to the subject property. The subject property and surrounding area is considered Rural Lands in accordance with the PPS. Section 1.1.5.2 recognizes resource-based recreational uses (including recreational dwellings) as a permitted use within Rural Lands. The proposed application would create one new lot for a recreational dwelling and one for an existing tourist commercial use, and therefore is consistent with the PPS.

Municipality of Temagami Official Plan

The subject property is designated Integrated Management Area in the Marten River Neighbourhood of the Official Plan. The Marten River Neighbourhood is a dispersed community of rural residential properties, tourist uses, and highway commercial uses, linked by communities of interests.

Tourist commercial development and rural and remote residential development is permitted within the Marten River Neighbourhood in appropriate locations (6.3.2, 6.4.1). The proposed severed lands are being created to facilitate the sale of the three cabins, independent of the building used as a residential dwelling.

Section 6.3.3 of the Official Plan provides that the development impact by existing, and new lots should be mitigated to the extent possible in order to conserve wilderness, and semi wilderness values. The consent application proposes to separate the existing

development on the subject property. No additional development is proposed at present time.

Section 6.3.3.1 provides that new rural residential lots shall be located on a municipal road, open and maintained on a year round basis. Both the retained lands and severed lands are located on the municipal road, as shown in Figure 2.

Section 6.3.7.1 of the Official Plan limits lot creation to five lots per calendar year. The intent of this policy is to limit the amount of new lot creation. The application is to create one new lot. At this time no further lot creation is proposed in the Marten River neighbourhood this year.

Section 6.3.12 of the Official Plan states that new lots within the Marten River Neighbourhood shall not be created unless an approved sewage disposal system can be accommodated on the lot. The applicant provided certificates of approval from Timiskaming Health Unit in their application for the existing dwelling.

Section 9.7.1 of the Official Plan contains policies for consent applications. Table 1 provides a summary of how the application conforms to these policies.

TABLE 1: 9.7.1 OF THE OFFICIAL PLAN

Policy 9.7.1 Consent to Sever Patented Land	Does the application conform?
<i>The intended use of the severed and retained parcels conform with the intent and policies of this plan;</i>	Yes – rural residential uses and tourist commercial uses are permitted within the Integrated Management Area designation and within the Marten River Neighbourhood.
<i>Generally the number of lots created does not exceed three;</i>	Yes – the application proposes to create one new lot.
<i>A registered plan of subdivision is not required;</i>	Yes - A Plan of Subdivision is not required.
<i>The size and dimensions of the severed and retained parcels conform to the provisions of the Zoning By-Law;</i>	No – the proposed lot frontage of the severed lands will not meet the lot minimum lot frontage in the Zoning By-law.
<i>The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands;</i>	Yes – the proposed lots represent orderly, and efficient use of the land, including existing development. It is recommended that the severed lands

	maintain a 10 metre frontage on the municipal road to accommodate and driveway and access.
<i>The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses;</i>	Yes - the lots as proposed are adequate to accommodate the existing uses, and to accommodate future septic systems if required on the severed lands.
<i>Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;</i>	Not applicable, however adequate lot frontage is provided for each lot to accommodate a future dock.
<i>Adequate access to the severed and retained parcel can be provided;</i>	Yes – The severed lands provide access to the municipal road due to the proposed L shape lot. It is recommended that the severed lands maintain a 10 metre frontage on the municipal road to accommodate and driveway and access.
<i>The severed parcel is not within 500 metres of a known sanitary landfill site;</i>	Yes - The subject property not located within 500 metres of a known sanitary landfill site.
<i>Where central sewage and water facilities are not available, it has been established that the soil draining 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;</i>	Yes - The proposed lots are adequate in size to accommodate a sewage disposal system. See attached approval correspondence from Timiskaming Health Unit.
<i>Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;</i>	Yes - A water supply currently exists.
<i>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</i>	Yes - A review of known Archaeological features within the Municipality of Temagami was completed and no known sites were within 300 metres of the property.

such as: type of littoral community, physical characteristics, the anticipated impact of the development, and any measures proposed to mitigate the anticipated impacts of the development on the features

The financial impacts on the Municipality has been considered. Yes - There are no anticipated financial impacts on the Municipality.

Zoning By-Law 06-650 (as Amended)

The subject property is currently located within the Tourist Commercial (TC) Zone in the Municipality's Comprehensive Zoning By-law. The TC Zone permits dwelling units within the zone which are accessory to the main commercial use within the site. The retained lands are proposed to only contain a residential dwelling, and therefore would not be considered as a permitted use within the TC Zone. A rezoning of the retained lands would be required, to the Rural Residential (R₃) Zone to permit the residential dwelling as the principal use.

The minimum lot frontage required for the TC Zone and R₃ Zone is 200 metres and 50 metres respectively. Table 2 provides a summary of the proposed zone standards and the proposed lot standards.

TABLE 2: TOURIST COMMERCIAL ZONE STANDARDS

Zone Provisions	TC Standard	Severed (Proposed)	R₃ Standard	Retained (Proposed)
Frontage (min.)	200 m	+/- 70 m	50 m	+/- 70 m
Lot Area (min.)	0.6 ha	0.8 ha	0.8 ha	0.8 ha
Lot Area (max.)	6.0 ha	0.8 ha	1.5 ha	0.8 ha

The lot area for both the TC Zone and the required R₃ Zone are achieved, and the lot frontage for the required R₃ Zone; however, the proposed lot frontage for the severed lands does not meet the minimum lot frontage required for the TC Zone. A rezoning of the severed lands is also required to recognize the deficient lot frontage.

RECOMMENDATIONS

It is recommended that the Committee of Adjustment provisionally approve Consent Application No. C-19-01, subject to the following conditions:

1. Preparation of an updated Reference Plan, in substantial compliance with the application, to the satisfaction of the Municipality;
2. The completion of a Zoning By-law Amendment to address the intended use of the retained lands and the severed lands, and to ensure the retained lands and severed lands comply with the Zoning By-law.
3. Confirmation that the severed lands have a strip of lands with a minimum width of 10 metres, and a minimum of 10 metres frontage on Wilson Lake Road/Tonomo Lake Road to accommodate a new driveway and access.
4. That the new driveway entrance be approved by the Public Works department of the Municipality.
5. That the Timiskaming Health Unit provide confirmation that the existing development on the severed lands (three cabins) is appropriately serviced (water supply and septic system).
6. The Site Plan Agreement No. SPC-o8-17 be amended to reference the two lots with the Municipality of Temagami; and,
7. The standard conditions of the Municipality.

COMMENTS RECEIVED FROM AGENCY CIRCULATION AND PUBLIC NOTIFICATION:

Municipal Departments:

Public Works:

Building:

Tax:

Fire:

Ambulance:

Ministry & Agencies:

Ministry of Natural Resources and Forestry:

Ministry of Transportation:

TransCanada Pipelines:

Timiskaming Health Unit:

First Nation Community:

Interest Groups & Neighbours: