



Municipality of Temagami

MINOR VARIANCE 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.:	MV-19-02
DATE OF NOTICE OF HEARING:	JULY 11, 2019
DATE OF HEARING:	JULY 25, 2019
SUBJECT LAND:	16 LAKE TEMAGAMI ISLAND 1002
APPLICANT:	JOHN AND RONDA PECARIC



Application Review

The intake review of the application was deemed complete on June 25, 2019. Notice of the Public Hearing was given by circulating prescribed persons and agencies, posting at the Lake Temagami Access Point landing, and postings on the Municipality's website & Welcome Centre notice board on July 11, 2019.

BACKGROUND

John and Ronda Pecaric have submitted an application for a Minor Variance to permit an addition to an existing legal-non complying sleep cabin. The subject property is located at 16 Lake Temagami Island 1002, within the Municipality of Temagami. The subject property is located within the Lake Temagami Neighbourhood and is designated Special Management Area. The subject property is shown in black on Figure 1.

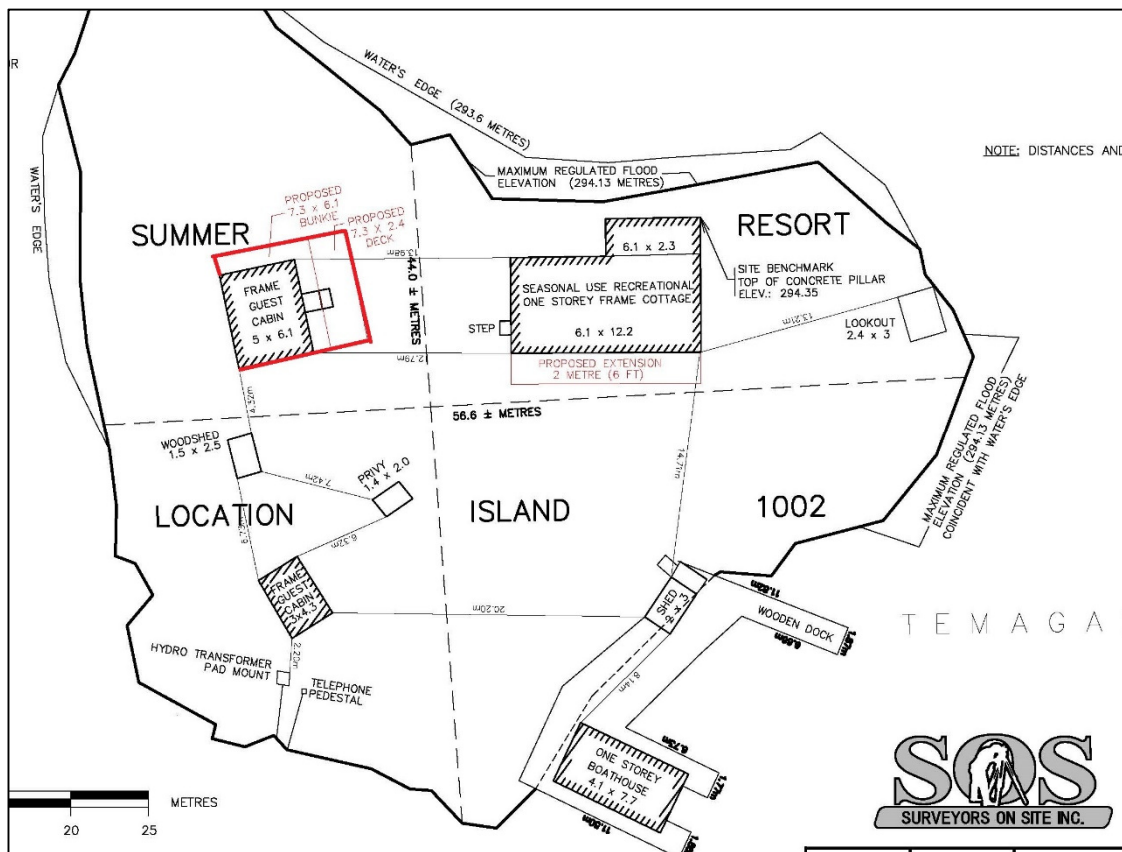
Figure 1: Subject Property



PROPOSAL

The purpose of the application is to construct an addition to a legal-non complying sleep cabin. The existing sleep cabin is 5 metres by 6.1 metres (30.5 square metres) and the proposed addition also includes an attached covered deck. The proposed addition is 14 square metres and the proposed covered deck is 17.5 square metres. The existing development on the subject property and the proposed addition (outlined in red) is shown on Figure 2. The applicants are not proposing the addition to the cottage at this time.

Figure 2: Sketch of Development



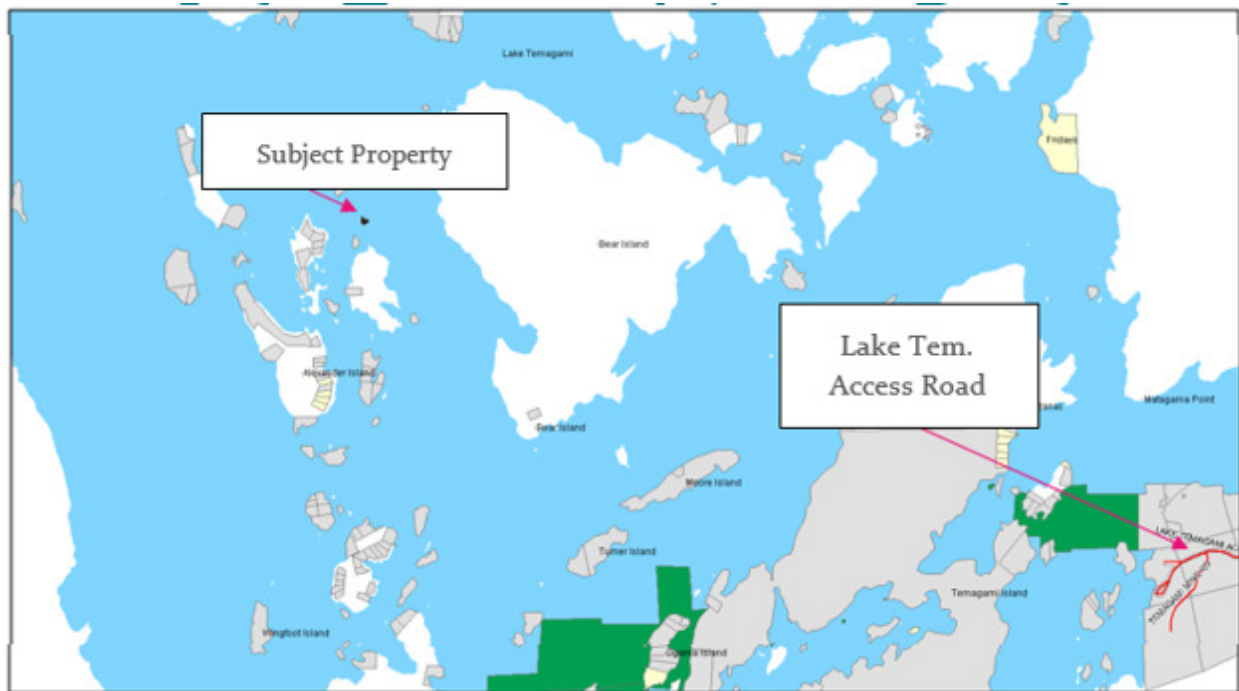
The subject property is designated Special Management Area in the Lake Temagami Neighbourhood of the Official Plan of the Corporation of the Municipality of Temagami and is zoned Remote Residential (R1) - Lake Temagami in the Municipality of Temagami Zoning By-law 06-650.

SITE ANALYSIS

The subject property is 1,992.5 square metres in lot area and is developed with a seasonal cottage, two sleep cabins, a one storey boathouse, and one privy. There are cottage properties located as shown in Figure 3 at the distances below.

- North – 275 metres
- East – 500 metres
- South – 140 metres
- West – 365 metres

Figure 3: Aerial View Distance from the Lake Temagami Access Road



The subject property currently includes the following buildings and structures:

- Sleep Cabin 1 – 30.5 square metres (Subject to this application);
- Sleep Cabin 2 – 12.9 square metres;
- Woodshed – 3.8 square metres;

- Privy – 2.8 square metres;
- Cottage (Dwelling) – 88.45 square metres;
- Shed – 6 square metres;
- Lookout – 7.2 square metres;
- Boathouse – 31.6 square metres; and,
- A dock.

PLANNING ANALYSIS

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

Table 1 provides a comparison of the applicable Zoning By-law performance standards for the development of the proposed addition.

Table 1: Applicable Zoning Standards Section 7.4.2 Remote Residential (R1) Zone.

<u>Zone Provisions</u>	<u>Required Standard</u>	<u>Proposed</u>
Minimum distance from the shore	15.0 m	8.0 m – Sleep Cabin (to the north and west shoreline) 7.0 m – Covered Deck (to the north shoreline)
Shoreline Activity Area	100 m ²	183 m ²
Lot Coverage (max.)	8%	11%

The Proposed Variance

To facilitate the proposed development, the applicant requires a variance to the following sections of the Zoning by-law as shown in Table 1.

1. Section 6.28:
 - To permit an expansion of a non-complying sleep cabin that is located within the SAA. The sleep cabin has a current size of 30.5 square metres (328.3 square feet) and is proposed to be expanded to 44.5 square metres (479.3 square feet) which is an increase of 14.03 square metres (151.0 square feet). A covered deck is also proposed to be attached to the sleep cabin and is 17.5 square metres (188.6 square feet) in size.
2. Section 6.40:
 - To permit an increase in the maximum area of structures within the Shoreline Activity Area of 183 square metres (1,970 square feet) where 100 square metres (1,076.4 square feet) is permitted.
3. Section 7.4.2 Any Sleeping Cabin without both bathroom and kitchen facilities a):
 - To permit an addition to an existing sleep cabin that is located 8 metres (26.2 feet) from the shore on the north side of the subject property, and 8 metres from the shore on the west side of the subject property. The minimum setback is 15 metres (49.2 feet) from the shore and the existing sleep cabin is located 9 metres (29.5 feet) from the shore on the west side of the subject property and 11 metres (36.1 feet) from the shore on the north side of the subject property.
 - To permit a new covered deck attached to a sleeping cabin that is located 7 metres (23 feet) from the shore on the north side of the subject property.
4. Section 7.4.2 The Lot g):
 - To permit a total lot coverage of 11% where a maximum of 8% is permitted. The existing total lot coverage on the subject property is 9.2%. The total lot coverage is proposed to be increased by 1.8% and exceeds the maximum by 3%.

The Four Tests of a Minor Variance

In considering this application, the Committee 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) as set out in the *Planning Act*. As staff have not had the opportunity to visit the site, staff are unable to make conclusions with respect to the four tests of minor variances. However, based on the information provided in the application package, we can provide the Committee with planning information to assist the Committee with their decision.

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 located within the Lake Temagami Neighbourhood and is designated Special Management Area by the Municipality of Temagami's Official Plan.

Section 2.14 "Cultural Heritage Features" and Section 9.24 "Complete Application" were reviewed in the pre-consultation phase as there are nine known archaeological features approximately 500 metres away at the closest point from the subject property. The proposed addition to the sleep cabin does not require ground disturbance, and otherwise contains existing development. Staff therefore do not recommend that an Archaeological Assessment be required in support of the proposed addition.

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 addition to the guest cabin would entail an encroachment toward the shoreline nominally greater than the legal non-complying shoreline setback existing within the property.

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

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

The shoreline of the subject property appears to be well vegetated as demonstrated in the photographs provided with the application. The development proposed would achieve the goals outlined in 5.2.1 by maintaining the aesthetic and natural features of the subject property given the proposal is not anticipated to negatively impact the vegetation along the shoreline.

Section 5.3.2 of the Official Plan provides that a broad range of uses, including residential uses, accessory uses such as boat houses, docks and storage sheds, sleep cabins, are permitted within the Lake Temagami Neighbourhood. The proposed addition to the existing sleep cabin would appear to represent a desirable form of development within the Lake Temagami Neighbourhood.

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 applications proposed within the Municipality of Temagami. The Temagami First Nation was circulated on this application.

Based on a review of the policies of the Official Plan, the proposed variances would meet 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 (R1) Zone (Lake Temagami) of the Municipality's Zoning By-law 06-650. The proposed variance seeks permission to construct an addition to the sleep cabin including a deck.

Section 6.28 is proposed to be varied to permit the expansion of legal non-complying sleep cabin that is located within the SAA. The existing sleep cabin is 30.5 m² in size and the proposed addition to the sleep cabin is 14 square metres and the proposed deck is 17.5 square metres.

The proposed variances would permit a minimum distance from the shore of 8 metres from the western and northerly shorelines within the property for the sleep cabin, and 7 metres for the covered deck. The provisions for a minimum shoreline setback of 15 metres within the R1 Zone is intended to preserve the character of the Lake Temagami shoreline and to enable an area for vegetation between development and the shoreline. Existing vegetation will be maintained between the shoreline and the proposed additions. The proposed setbacks therefore would not impact the character of the area.

Section 6.40 of the Zoning By-law is proposed to be varied as the additions would increase the SAA coverage to 183 square metres where a maximum of 100 square metres is permitted. The purpose of this provision is to limit the built footprint within proximity to the shoreline in order to ensure that semi-wilderness values predominate. The proposed expansion to the sleep cabin is primarily interior to the site and will not change the view from the lake. The proposed expansion to the sleeping cabin is modest in size and maintains the intent of the maximum SAA coverage in the Zoning By-law. The privy and the boathouse are not considered in the SAA calculation.

Section 7.4.2 Any Sleeping Cabin without bathroom and kitchen a) is proposed to be varied to permit an addition to an existing sleep cabin that is located approximately 8 metres from the shore, and covered deck located 7 metres from the shore, where a setback of 15 metres is required (the current guest sleep cabin is approximately 9.0 from the shore).

The required minimum distance from the shore is to ensure adequate setbacks of buildings from the shoreline to avoid erosion hazards, to maintain the natural character of the area, and to ensure that there is an area for vegetation between development and the shoreline. The proposed addition to the guest cabin is 8 metres from the shore, and

the covered deck is 7 metres from the shore, which is a slight reduction of the existing setback.

Based on the information presented in the application package and our review, the proposed variances would meet the intent of the Zoning Bylaw.

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

The subject property is designated, zoned and presently used for residential purposes. The proposed variance would not change the existing land use and would facilitate the enlargement of an existing accessory structure. The proposed addition appears to be buffered from the lake by existing vegetation and will not impact views from surrounding properties. The height is not proposed to be increased. The proposed variance is desirable.

4) Is the variance minor?

Staff are unable to definitively confirm whether the proposed variances are minor without conducting a site visit. Given the considerable vegetation on the site as evident through the images provided in the application the varied minimum shoreline setbacks, maximum lot coverage, and maximum development within the SAA proposed would generally be considered to be minor in nature. Further, the proposed addition is limited and is proposed to an existing structure that is modest in size. Based on the information presented in the application package and our review, the proposed variances appear to be minor in nature.

RECOMMENDATIONS

Based on the review of Application No. MV-19-02, the proposed application meets 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 variance be approved subject to the following conditions:

1. That the variance apply to the location of development proposed in the application sketch (excluding the addition to the cottage dwelling); and
2. That the applicant be required to enter into A Site Plan Control Agreement with the Municipality of Temagami, to be registered on title.

COMMENTS RECEIVED FROM AGENCY CIRCULATION AND PUBLIC NOTIFICATION:

Municipal Departments:

Public Works:

Building:

Tax:

Fire:

Ambulance:

Ministry & Agencies:

Ministry of Natural Resources and Forestry:

Timiskaming Health Unit:

First Nation Community:

Interest Groups & Neighbours: