

THE CORPORATION OF THE  
**MUNICIPALITY OF TEMAGAMI**  
P.O. BOX 220  
TEMAGAMI, ONTARIO P0H 2H0  
(705) 569-3421  
FAX: (705) 569-2834  
E-MAIL: [visit@temagami.ca](mailto:visit@temagami.ca)  
WEBSITE: [www.temagami.ca](http://www.temagami.ca)



---

Committee of Adjustment  
Notice of Decision  
**NOTICE OF DECISION**  
**MINOR VARIANCE**

1. Application No.: **MV-20-01**
2. Applicant/ Owners: **Karen Beauchamp, Clearwater Planning Inc. on behalf of Robert and Lynne Wolstenholme**
3. Date of Hearing: **January 30, 2020**
4. Date of Decision: **January 30, 2020**
5. Date of Notice of Public Hearing: **January 16, 2020**
6. Zoning: **Remote Residential (R2)**
7. Designation: **Integrated Management Area (Marten River Neighbourhood)**
8. Location and Legal Description of Subject Lands: **61 Rattler Rd; PCL-1-1 SECONDED BY 36M411; SUMMER RESORT LT 1 PL M411 OLIVE; SURFACE RIGHTS ONLY LOCATION CL16225 BEING PT OF OLIVE, LYING IN FRONT OF LT 1 M411 TEMAGAMI PTS 1 & 2 36R13010 SUBJECT TO AN EASEMENT OVER PART 2 36R13010 AS IN BS11122; TEMAGAMI; DISTRICT OF NIPISSING**

---

**9. Decision**

This is an application made under section 45 of the Planning Act RSO 1990, to permit:

- a) To reduce the minimum distance for any dwelling unit from the shore to 12.2 metres (40 feet) where a minimum of 15 metres (49 feet) is required. This is a reduction of 2.8 metres (9 feet). (Section 7.5.2(a) – Any Dwelling Unit);
- b) To reduce the minimum side yard to 1.4 metres (4.5 feet) where a minimum of 5 metres (16 feet) is required. This is a reduction of 3.6 metres (11.5 feet). (Section 7.5.2 (c) – Any Dwelling Unit)

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT THE  
REQUEST BE:**

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

1. That the variance apply to the proposed addition referenced in the application sketch; and

2. Prior to the issuance of a building permit, the Site Plan Control Agreement for the property be repealed and replaced to reflect the proposed variances, and registered on title.
3. That the Site Plan Control Agreement include the following clause:  
*The property is located within an area of high archaeological potential. If artifacts are uncovered on the property, the owners shall contact the Ministry of Tourism, Culture and Sport, as well as Temagami First Nation, to determine whether or not a licensed archaeologist needs to attend the site.*

**10. Reasons:**

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

The decision satisfies the four test for a minor variance established in Section 45 of the *Planning Act* as outlined in the planning report dated January 20, 2020.

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

Comments received by Temagami First Nation - Canoe & portage routes identified, would like to ensure no increased visibility from these routes from the deck enclosure; and high archaeological potential, if artifacts are uncovered, recommended to contact the Ministry of Tourism, Culture and Sport, as well as Temagami First Nation.

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

- a) 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 Balentine, 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 **February 19, 2020**. 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 in the amount of **\$300.00**, payable to the Minister of Finance, Province of Ontario.

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.

Section 45 (14) of the Planning Act states that, “[i]f within 20 days no notice of appeal is given, the decision of the committee is final and binding.”

**Certified by:**

---

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