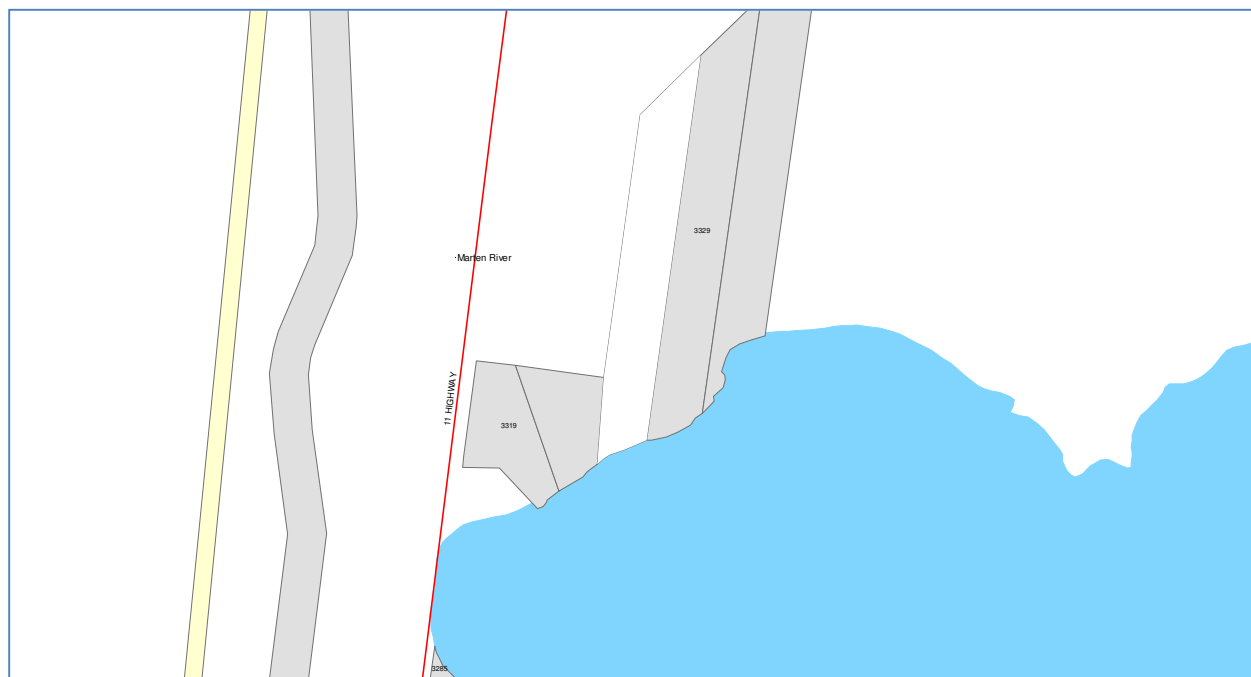


MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Committee of Adjustment	Application Number:	MV-20-02
Report Prepared By:	Tammy Lepage, Planning Clerk for: Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant(s):	Allan Casimir Com��
Location:	3329A Highway 11 North	Owners:	Same as applicant
Report Date:	August 21, 2020	Application Type:	Minor Variance

A. PROPOSAL/BACKGROUND

Application for a Minor Variance has been submitted for the subject property located at 3329A Highway 11 North, by the owner Allan Casimir Com  . The subject property is legally described as: SISK PT SUMMER RESORT LOC EM7 RP 36R8797 PT PART 7 PCL 27936 NIP; MUNICIPALITY OF TEMAGAMI. The subject property is located within the Integrated Management Area designation and within the Marten River Neighbourhood in the Official Plan. The subject property is located within the Remote Residential (R2) Zone in the Zoning By-law. The subject property location is shown in black on Figure 1.

Figure 1: Subject Property



The subject property has a lot area of 2.6 hectares (6.5 acres) and a lot frontage 64 metres on the shoreline of Marian Lake. The subject property is generally located on the east side of

Highway 11 and in the southern portion of the Municipality. Immediate surrounding land uses include shoreline residential uses and a tourist commercial use. An aerial of the subject property is included in Figure 2.

Figure 2: Aerial of Subject Property



As indicated on the application and confirmed by the owner, the subject property currently contains three existing cottages and a shed. There is currently no septic system on the subject property and the existing cottages are currently serviced by holding tanks on a pumping schedule with KONO Septic in North Bay. Water is pumped from the lake for water supply.

The proposed Minor Variance application is to permit a detached garage that exceeds the maximum gross floor area permitted in the R2 zone. The proposed detached garage has a gross floor area of 84 square metres (900 square feet) where a maximum gross floor area of 72.5 square metres is permitted.

In regards to Section 2.14 of the Official Plan titled Cultural Heritage Features and Section 9.24 of the Official Plan titled Complete Application, the application was reviewed and the following was confirmed:

- There is one known archaeological site located approximately 3.92 km from the subject property;
- A complete review of environment features such as: Aquatic Feeding Area, Areas of Natural & Scientific Interest, Calving Fawning Sites, Significant Ecological Area,

Wetlands and Spawning Areas was completed and none of these features were identified on the subject property or within adjacent lands.

- Portions of land on the south side of Marian Lake are identified as “High Potential Heritage Areas” on a historic resource map from the Ministry of Natural Resources and Forestry. This mapping identifies a known canoe route throughout Marian Lake. Lands located on the north side of the lake are not identified for high potential of archaeological resources.

At the time this report was being prepared, the Notice of Public Hearing has been sent to Temagami First Nation for comments on the application. Staff will continue to reach out to Temagami First Nation in order to obtain comments or to confirm if additional time is required to review the application. The application was circulated because the owner has strict timelines for construction of the detached garage; however, if additional comments are raised during the commenting period, a deferral may be recommended on this basis.

The subject property is not identified as an area of high potential for archaeological resources, and therefore it is staff’s opinion that an archaeological assessment is not required in order to permit the proposed detached garage on the subject property, however comments have not been received to date from Temagami First Nation.

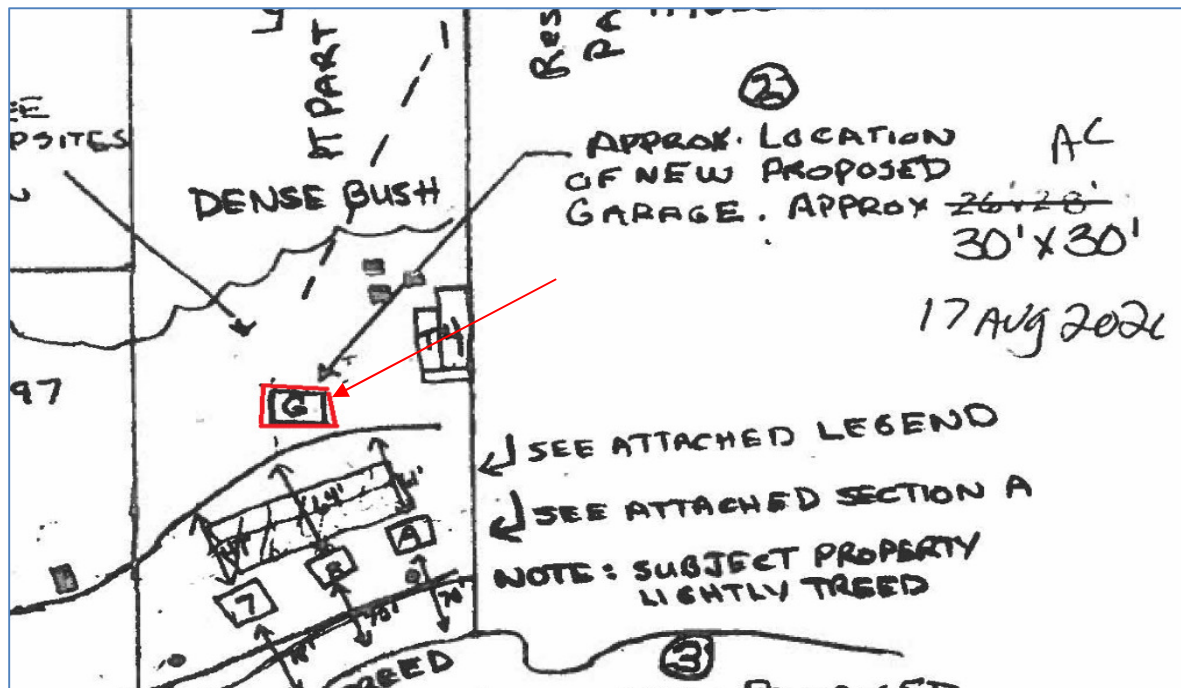
Notice of the Public Hearing was given by circulating prescribed persons and agencies, posting at the subject property and postings on the Municipality’s website and Welcome Centre notice board on August 17, 2020.

It should be noted that Municipal Staff conducted a site visit to the subject property on August 17, 2020. Photos of the subject property are included in Attachment #1 to this Report.

B. PROPOSED MINOR VARIANCE

The subject property is located within the Remote Residential (R2) Zone in the Zoning By-law. The maximum gross floor area of a detached garage for the R2 Zone is 72.5 square metres, as stated in Section 7.5.2 a) (Detached Garage) of the Zoning By-law. As a result of the proposed gross floor area of the detached garage, a variance to the maximum gross floor area is required. The proposed detached garage is 9.1 metres by 9.1 meters (30 feet by 30 feet) with a gross floor area of 84 square metres (900 square feet). A variance to permit a detached garage to be 11.5 square metres (124 square feet) larger than permitted in the Zoning By-law is being sought. The location of the proposed detached garage is shown in Figure 3 in red.

Figure 3: Proposed Development



C. COMMENTS RECEIVED

Prior to the preparation of this report, comments have been submitted from the following on the proposed application:

- Email from Ministry of Natural Resources and Forestry dated August 17, 2020 – no objections to the proposed construction.
- Email from Timiskaming Health Unit dated August 18, 2020 – as no septic is located on the subject property, (if septic system is located on the property) the proposed garage will need to meet the minimum clearance from the septic.

A copy of the comments have been included as Attachment #2 to this Report.

D. THE FOUR TESTS OF A MINOR VARIANCE

In considering the Minor Variance application, the Committee of Adjustment 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) in the *Planning Act*. 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 designated as Integrated Management Area and is located within the Marten River Neighbourhood in the Official Plan. A fundamental goal for the Marten River

Neighbourhood is to encourage rural and remote residential development throughout the Neighbourhood, as referenced in Section 6.2.1 of the Official Plan.

Section 6.3.2 of the Official Plan references the permitted uses within the Marten River Neighbourhood, which include: permanent or seasonal single detached dwelling units and accessory uses. Furthermore, Section 6.3.3 of the Official Plan permits accessory uses which includes a garage on lots that permit residential dwellings. Uses that are permitted within the Integrated Management Area designation include existing and new private residential development, as referenced in Section 6.4.1 of the Official Plan.

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 detached garage is to be located behind the existing development on the subject property and is to be setback approximately 60 metres from the shore. The proposed detached garage appears to be sited at a location that is not visible from the Lake, this was confirmed during the site inspection held on August 17, 2020.

The purpose of the maximum gross floor area for detached garages in the Zoning By-law is to limit the scale of accessory uses and to ensure accessory building remain as secondary to the principal use. Based on the proposed size, location and use of the proposed detached garage, it is our opinion that the detached garage at the size proposed is appropriate on the subject property.

Based on a review of the Official Plan policies, the proposed variance is in-keeping with 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 (R2) Zone in the Municipality of Temagami's Zoning By-law. The permitted uses of the R2 Zone are listed under Section 7.5.1 and include a permanent dwelling unit and a detached garage. Based on the current zoning and the existing development, the existing three cottages would be considered as legal non-complying.

The proposed detached garage is compliant to the setback standards of the Zoning By-law; however, exceeds the maximum gross floor area of a detached garage permitted in the R2 Zone. The maximum gross floor area of a detached garage is 72.5 square metres, and the proposed detached garage is 84 square metres.

The Zoning By-law includes regulations to restrict the size of a detached garage to ensure that the accessory building remains accessory to the principal dwelling on property. Although, the proposed detached garage exceeds the maximum gross floor area permitted in the Zoning By-law, the detached garage remains accessory to the principal dwelling and used for the purpose of storing motorized vehicles. Further, the location of the proposed detached garage is located well setback from the shore and behind existing vegetation cover. Impacts are also not anticipated on adjacent properties as a result of the new detached garage.

The proposed variance is in-keeping with the intent of the Zoning By-law.

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

The subject property is currently used for residential purposes. The proposed variance would not change the existing land use. The applicant is seeking to construct a new detached garage, which is an accessory use to the principal residential used on the subject property. The proposed development would not result in a negative impact to the existing character of the area, view from the lake, nor have an impact on adjacent landowners. The proposed variance is desirable.

4) Is the variance minor?

Municipal staff conducted a site inspection to the subject property on August 17, 2020. Based on the site inspection and a review of the application, it is our opinion that the variance is minor in nature. The proposed detached garage with a gross floor area of 84 square metres is appropriate for the proposed detached garage. Based on the information presented in the application package and our review, the proposed variance appears to be minor.

E. SUMMARY

Based on the review of the Minor Variance application MV-20-02 submitted by Allan Com  , the proposed variance is in-keeping with the intent of the Official Plan, the intent of the Zoning By-law, can be considered desirable development for the subject property, and appears to be minor. It is recommended that the variance be approved that would permit a new detached garage with a gross floor area of 84 square metres, subject to the review of other agency comments that are received on the application up until the Committee of Adjustment meeting. Additional conditions may be included following the submission and review of further comments.

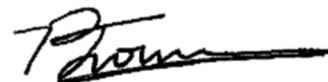
It is recommended that the variance be approved subject to the following conditions:

1. That the variance apply to the proposed detached garage referenced in the application sketch; and
2. Prior to the issuance of a building permit, the Site Plan Control Agreement for the subject property be amended, as necessary to reflect the proposed variance, and registered on title.

Respectfully Submitted,
MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate