

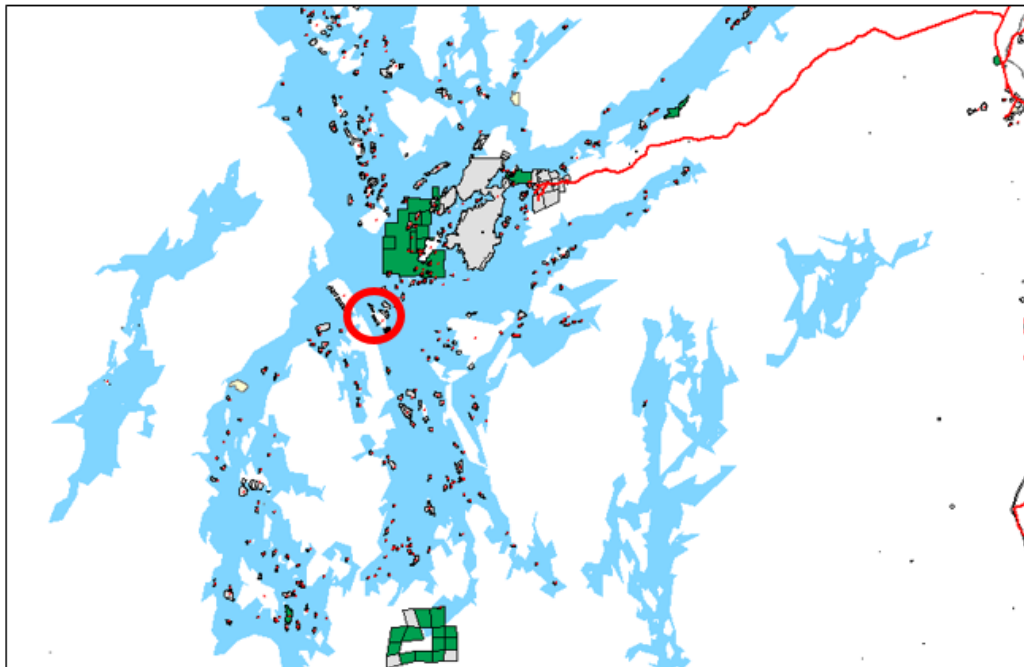
MUNIICIPALITY OF TEMAGAMI			
Report Prepared For:	Suzie Fournier, Municipal Clerk	Applicant/Agent Name:	Thomas Evans
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Owner Name:	Eve Lewis
Location:	88 Island 665, Lake Temagami	Application Type:	Minor Variance
Application Number:	MV-20-03	Report Date:	February 25, 2021

A. PROPOSAL/BACKGROUND

An application for a Minor Variance has been submitted for the subject property located at 88 Island 665, Lake Temagami. The application was submitted by Thomas Evans on behalf of the owner Eve Lewis. The subject property is legally described as: PCL 17725 SEC NIP; SUMMER RESORT LOCATION HS2129 PHYLLIS BEING PT ISLAND 665, IN LAKE TEMAGAMI AS IN NP9514; TEMAGAMI DISTRICT OF NIPISSING.

The subject property is located within the Special Management Area designation and within the Lake Temagami Neighbourhood in the Official Plan. The subject property is located within the Remote Residential (R1) Zone in the Zoning By-law. There are no mapped environmental features identified on the subject property or within adjacent lands. The general location of the subject property is circled in red on Figure 1.

Figure 1: Subject Property



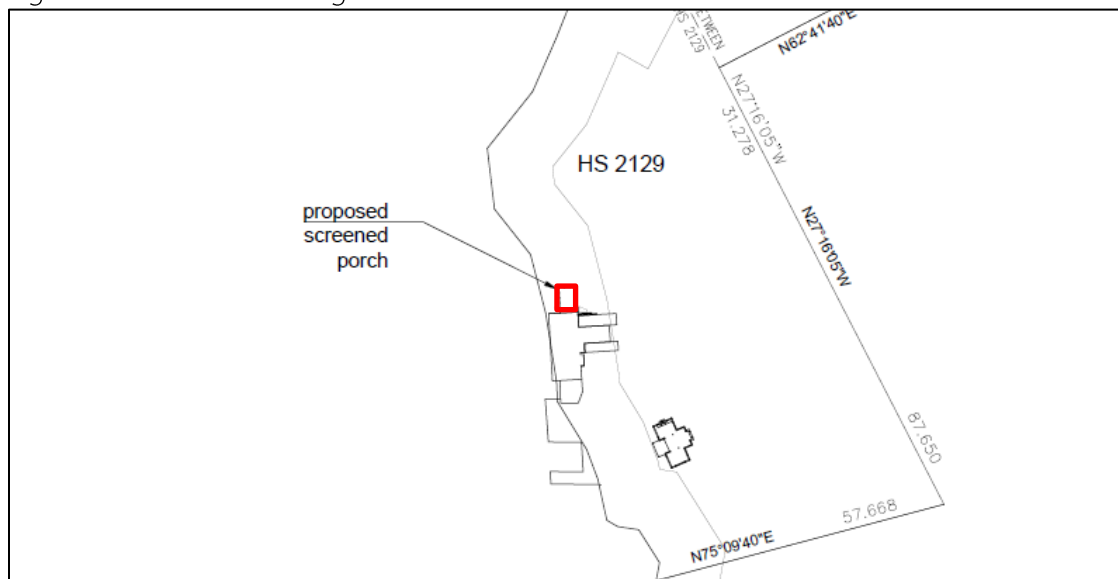
According to the Municipality's mapping program, the subject property has a lot area of 0.8 hectares (2 acres) and a lot frontage 130 metres on the shoreline of Lake Temagami. The subject property is immediately surrounded by Crown Land to the east, and existing residential shoreline lots to the north and south. Following a review of the Municipality's mapping, it was noted that the applicant has not purchased the shore road allowance. This will be required to be purchased prior to the applicants being able to obtain a building permit for the proposed addition. The lot area provided above does not include the shore road allowance, which is approximately 0.3 hectares (0.7 acres). An aerial image of the subject property is included in Figure 2.

Figure 2: Aerial Image of Subject Property



The site plan submitted with the application is included as Figure 3. The existing development on the subject property includes a cottage, sleep cabin, dock and wash house.

Figure 3: Site Plan Drawing



The proposal is to permit an addition to an existing non-complying building. The addition is a covered and screened in porch. The proposed addition is to be sited in the general location of an existing deck. The proposed addition is 24 square metres (252 square feet) and is located 3.3 metres (11 feet) from the shore. The proposed addition is outlined in red on Figure 3. The existing cottage is currently located right along the shore. Additional drawings submitted by the applicant are attached to this report.

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 originally circulated to Temagami First Nation for comments. The following comments were provided:

In response to minor variance 20-03, we have some concerns about the proposed screened porch. The entirety of the island is surrounded by archaeological potential, and therefore any new construction will require a phase two archaeological assessment. It appears that this addition will sit extraordinarily close to the water's edge. We remain unconvinced that an addition so close to the water's edge, facing a popular present-day canoe route, present day campsite, and a historical nastawgan, would be in keeping with the vision and intent of the Official Plan.

With the above points in mind, we would recommend waiting until the results of a phase two archaeological assessment have been submitted before a decision is made.

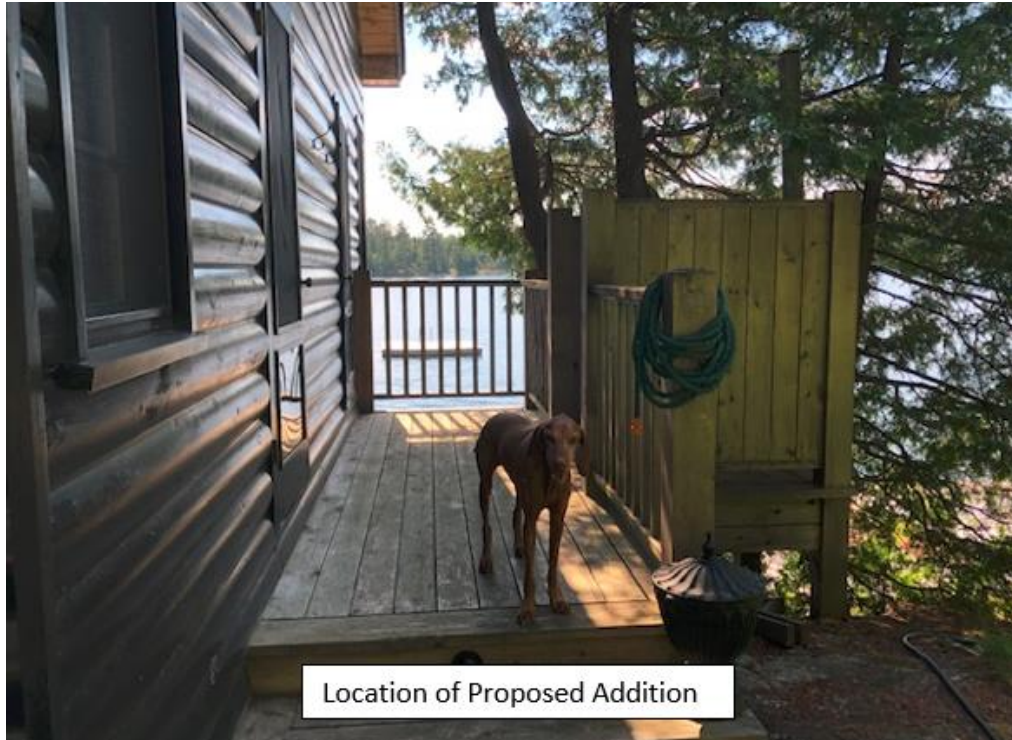
In closing, please provide us with all planning reports and the final decision for this property.

In response to the comments received from Temagami First Nation, the applicants prepared a phase two archaeological assessment. The results of the assessment were that there were no archaeological resources recovered for the proposed screened-in porch (addition) construction area. A copy of the phase two archaeological study is attached to this report.

Photos of the existing cottage and proposed addition location are included as Figure 4.

Figure 4: Photos





B. PROPOSED MINOR VARIANCE

The proposed addition does not meet the following provisions of the Zoning By-law and variances are required in accordance with the following:

- Section 7.4.2 a) of the Zoning By-law requires a minimum distance from shore for any dwelling unit of 15 metres. The proposed addition is to be located 3.3 metres (11 feet) from the shore at the closest point. The existing cottage is currently located right along the shore.
- Section 6.40 of the Zoning By-law states that the maximum total of all structures within the Shoreline Activity Area (lands within 15 metres of the shore) is 100 square metres. The proposed addition is to increase the amount of structures within the Shoreline Activity Area by 24 square metres (252 square feet). The existing cottage is 159 square metres (1,703 square feet) and the existing decks total 64 square metres (688 square feet). The proposed total area of all structures within the Shoreline Activity Area is 247 square metres (2,643 square feet).
- A variance is required to Section 6.28 of the Zoning By-law because the proposed addition is to an existing non-complying building, and the proposed addition is to be located within the minimum setback of the shore and to increase the area of structures within the Shoreline Activity Area.

C. COMMENTS RECEIVED

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

- Temagami First Nation – Letter dated October 23 2020

A copy of the comments that were submitted are attached 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 Special Management Area and is located within the Lake Temagami Neighbourhood in 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 addition is to be sited in the same general location as an existing deck on the subject property. The area directly in front of the proposed addition does contain trees, which are to be maintained, and as a result the proposed addition is to be partially screened from views from the lake. The existing cottage is located on the shore, and the proposed addition is further setback from the shore than the existing cottage.

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 majority of the subject property and portions of the shore appear to be well vegetated as demonstrated in the photographs provided with the application and from review of the aerial images. The proposed development would achieve the goals outlined in 5.2.1 by maintaining the aesthetic and natural features of the subject property, and is proposed to preserve the existing tree cover in front of the proposed addition. Vegetation removal is minimized as a result of the proposed addition being located in the general location of the existing deck. The proposed addition is located close to the shore, but it located in an area where there is existing development. The majority of the shore of the subject property is maintained in its natural state.

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 provides for modest expansion to an existing cottage and has been sited and design in a manner that is characteristic of cottages found throughout 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. The applicant prepared a phase two archaeological assessment in accordance with the comments that were provided. The assessment demonstrated that there were no archaeological resources recovered for the proposed screened-in porch (addition) construction area.

The proposed variances are 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 (R1) Zone in the Municipality of Temagami's Zoning By-law. The permitted uses of the R1 Zone are listed under Section 7.4.1 of the Zoning By-law and include a permanent dwelling unit or seasonal dwelling unit. The existing cottage is a permitted use within the R1 Zone.

A total of three variances are required to permit the proposed addition.

- Section 7.4.2 a) of the Zoning By-law requires a minimum distance from shore for any dwelling unit of 15 metres. The proposed addition is to be located 3.3 metres (11 feet) from the shore at the closest point. The existing cottage is currently located right along the shore.

The purpose of the minimum distance from the shore provision is to maintain an area of land between buildings and the shore, to ensure buildings are adequately setback from the shore, and to maintain the character of the area and to enable an area for vegetation preservation.

The proposed addition is located further setback from the shore than the existing cottage. The existing cottage is located directly along the shore and the proposed addition and is situated further from the shore than the existing cottage. The addition is sited to enable the existing tree cover along the shoreline to be maintained. Limited vegetation is proposed to be removed, and when viewed from the lake, the majority of the shore and lot frontage is maintained with vegetation. Based on the existing tree cover in front of the proposed addition, the addition is partially screened from views from the lake.

- Section 6.40 of the Zoning By-law states that the maximum total of all structures within the Shoreline Activity Area (lands within 15 metres of the shore) is 100 square metres. The proposed addition is to increase the amount of structures within the Shoreline Activity Area by 24 square metres (252 square feet). The existing cottage is 159 square metres (1,703 square feet) and the existing decks total 64 square metres (688 square feet). The proposed

total area of all structures within the Shoreline Activity Area is 247 square metres (2,643 square feet).

The purpose of this provision in the Zoning By-law is to limit the amount of development located within 15 metres of the shore. Although the existing cottage and decks exceed the maximum allowance for structures within the Shoreline Activity Area, the proposed addition is a modest increase. The development on the subject property is concentrated to one area along a large lot frontage, and the majority of the lot frontage is maintained in a natural state.

With a lot area of approximately 1.1 hectares (2.7 acres) (following the purchase of the shore road allowance) and a lot frontage of 130 metres, the subject property is larger than the minimum requirements of the R1 Zone that are subject to the same 100 square metres maximum of structures within the Shoreline Activity Area. Based on the location of historic development on the lot, the lot area and lot frontage, the proposed increase in development within 15 metres of the shore is appropriate. The proposed lot coverage is minimal for the subject property as a whole.

- A variance is required to Section 6.28 of the Zoning By-law because the proposed addition is to an existing non-complying building, and the proposed addition is to be located within the minimum setback of the shore and to increase the area of structures within the Shoreline Activity Area. The intent of this provision is to require expansions to existing non-complying situations to proceed through a planning review process. The proposed addition to the existing non-complying cottage has been reviewed and the addition is not located any closer to the shore than the existing cottage and is partially screened by existing trees. The proposed addition is also located in the same general location as an existing deck.

The proposed variances are 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 variances would not change the existing land use. The proposed development would not result in a negative impact to the existing character of the area, nor have an impact on adjacent landowners. The majority of the lot area and lot frontage remains unaltered and in its natural state.

The proposed addition is a modest expansion to an existing non-complying cottage. The addition has been located to fit with the design of the exiting cottage and is characteristics of the scale of other cottages on Lake Temagami. The addition is also sited to preserve the limited vegetation along the shoreline in the area of the dwelling. The proposed variances are desirable.

4) Is the variance minor?

Based on a review of the three previous tests, and the proposed size and location of the addition, the proposal is considered minor. The proposed development is limited in size and does not encroach closer to the shore than the existing cottage on the subject property. Staff have not had

an opportunity to visit the subject property, however have reviewed the photos submitted with the application, the proposed development drawings, and the aerial imagery of the subject property in order to conclude the proposal is minor.

E. SUMMARY

Based on the review of the Minor Variance application MV-20-03, the proposed variances are 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 appear to be minor. It is recommended that the variances be approved to permit the proposed addition, in accordance with the drawings submitted with the application. The proposed addition is 24 square metres (252 square feet) and is located 3.3 metres (11 feet) from the shore. It is noted that prior to obtaining a building permit for the proposed addition the owners will have to purchase the shore road allowance from the Municipality.

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

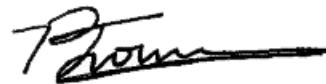
1. That the variances apply to the proposed addition referenced in the application sketch; and,
2. That prior to the issuance of a building permit, the Site Plan Control Agreement for the subject property be amended as necessary to reflect the proposed variance, and registered on title.

Respectfully Submitted,

MHBC Planning



Jamie Robinson, BES, MCIP, RPP
Partner



Patrick Townes, BA, BEd
Associate