

MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Nicole Claveau, Secretary Treasurer, Committee of Adjustment	Application Number:	MV 24-02
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicant:	Thea and Matthew Cameron
Location:	2 Lake Temagami Island 520	Owner:	Same as Applicant
Report Date:	May 2, 2024	Application Type:	Minor Variance

A. PROPOSAL/BACKGROUND

An application for a Minor Variance has been submitted for the subject property located at 2 Lake Temagami Island 520. The application was submitted by the owners, Thea and Matthew Cameron. The subject property is legally described as: PCL 20194 SEC NIP; SUMMER RESORT LOCATION ISLAND 520 PHYLLIS IN LAKE TEMAGAMI. The owners are proposing to construct an addition to the existing dwelling and an attached deck. The subject property is circled in red on Figure 1.

Figure 1: Subject Property



The subject property is located within the Special Management Area in the Lake Temagami Neighbourhood in the Official Plan and zoned Remote Residential (R1) – Lake Temagami in the Zoning By-law. In accordance with the information submitted with the application, the subject property has a lot area of approximately 2,023 square metres (0.5 acres) and has a lot frontage (measured in accordance with the definition in the Zoning By-law for an island) of 59metres.

The existing dwelling is one storey in height and is 54 square metres (581 square feet) in size. The existing dwelling is serviced by a composting toilet and greywater pit. The majority of the property is vegetated and the surrounding land uses include Special Management Area (SMA). The nearest shoreline residential property is approximately 610metres from the subject property. An aerial image of the subject property is shown in Figure 2:

Figure 2: Aerial Image of Subject Property



The purpose and effect of the application is to permit the construction of an addition and an attached deck to an existing legal non-complying dwelling on the subject property. The existing dwelling is located partially within the Shoreline Activity Area and within the required minimum distance from shore of 15 metres, for the Remote Residential (R1) – Lake Temagami. The existing dwelling is located 9 metres from the shore at the closest point.

The proposed development, including the addition to the existing dwelling and the attached deck is shown in Figure 3. The proposed addition is shown in red and the proposed attached deck is shown in hatching. The drawings and photos that were submitted with the application are attached to this report.

Figure 3: Proposed Development



B. PROPOSED MINOR VARIANCE

Variances are proposed to the following sections of the Zoning By-law:

- Section 6.28 – To permit an expansion of a legal non-complying dwelling and construction of an attached deck that is partially located within the Shoreline Activity Area (within 15 metres of the shoreline). The existing dwelling is 54 square metres (581 square feet), and the proposed addition is 45 square metres (484 square feet), and the proposed attached deck is 38 square metres (409 square feet).
- Section 6.40 – To permit an increase in the maximum area of buildings and structures located within the Shoreline Activity Area to 106 square metres (1,141 square feet), where 100 square metres (1,076 square feet) is permitted. This includes the existing dwelling, proposed addition, proposed deck, existing shed and existing tent platform.

- Section 7.4.2 - Any Dwelling Unit - a) – To permit a proposed addition to the dwelling to be located 10 metres from the shore and to permit an attached deck to be located 6 metres from the shore, where a minimum distance from the shore of 15 metres is required.

C. COMMENTS RECEIVED

The application was circulated to Temagami First Nation in advance of scheduling the application before the Committee of Adjustment. Based on the proposal, Temagami First Nation confirmed that an archaeological assessment was not required. In email correspondence dated April 2, 2024, staff from Temagami First Nation noted the following:

After reading this through, I agree that this application doesn't appear to require an archaeological assessment. TFN would definitely like wording in the site plan agreement that ensures we are contacted if anything archaeological is uncovered. The photographs were very useful, and really conveyed the nature of the site, and proposed building area, which made the decision making process very easy on my end.

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 in the Lake Temagami Neighbourhood in the Official Plan.

Section 2.17 of the Official Plan contains policies which guide development on waterfront properties. The policy promotes the retention of vegetative buffers to screen development from the shoreline. The proposed addition to the dwelling and attached deck will result in an increase in development within 15 metres of the shoreline, however the vegetation along the shoreline is being preserved. The addition to the dwelling is not located any closer to the shoreline than the existing dwelling. Based on the photos submitted with the application, it does appear that a limited number of trees will be removed, however, the trees and vegetation along the shoreline will be maintained. The proposed attached deck does encroach further into the required setback from the shoreline however the low profile of the deck results in negligible visual impacts from the Lake. Further, the one storey height of the existing dwelling is being maintained in order to retain the general character of the development on the island.

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 shoreline appear to be well vegetated as shown on the aerial imagery. 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 along the shoreline. Vegetation removal is minimized due to the design and location of the addition. A Site Plan Control Agreement is recommended to ensure that the owners maintain the existing vegetation beyond the locations of the proposed development on the subject property.

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 dwelling and the attached deck are permitted, and appear to have been sited and designed with careful consideration of the vegetation and topography of the lot of a scale that is characteristic of dwellings 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. Temagami First Nation confirmed that no archaeological assessment was required and recommended wording for the Site Plan Control Agreement to require they be contacted if any archaeological resources are uncovered on the subject property in the future.

The proposed variances allow for shoreline vegetation to be maintained and the proposed variances to not result in a dwelling that will impact aesthetic features or natural features and 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) – Lake Temagami Zone in the 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 and proposed use is permitted.

Variances are proposed to the following sections of the Zoning By-law:

- Section 6.28 – To permit an expansion of a legal non-complying dwelling and construction of an attached deck that is partially located within the Shoreline Activity Area (within 15 metres of the shoreline). The existing dwelling is 54 square metres (581 square feet), and the proposed addition is 45 square metres (484 square feet), and the proposed attached deck is 38 square metres (409 square feet).

The purpose of this provision is to require the expansion of existing non-complying buildings to require a planning review process. The proposed addition and attached deck have been evaluated in terms of character, impacts on view from the Lake, and retention of vegetation along the shoreline. The proposed development is in keeping with the character of the area.

- Section 6.40 - To permit an increase in the maximum area of buildings and structures located within the Shoreline Activity Area to 106 square metres (1,141 square feet), where 100 square metres (1,076 square feet) is permitted. This includes the existing dwelling, proposed addition, proposed deck, existing shed and existing tent platform.

The purpose of this provision is to limit buildings and structures within 15 metres of the shoreline in order to ensure that semi-wilderness values predominate. The proposed addition to the dwelling and attached deck are modest and the additional 6 square metres over what is permitted as of right does not impact the character of the area or on surrounding lots and the semi-wilderness values of the area are maintained. The proposal meets the intent of this provision of the Zoning By-law.

- Section 7.4.2 - Any Dwelling Unit - a) – To permit a proposed addition to the dwelling to be located 10 metres from the shore and to permit an attached deck to be located 6 metres from the shore, where a minimum distance from the shore of 15 metres is required.

The purpose of the minimum distance from the shoreline provision is to maintain an area of land between buildings and the shoreline, to ensure buildings are adequately setback from the shoreline, and to maintain the character of the area and to provide a potential vegetation buffer along the shoreline. The subject property is undersized and locations for development are limited. The proposed addition to the dwelling is located on the centre portion of the island and no closer to the shoreline than the existing dwelling. The intent of this section of the Zoning By-law is maintained as the proposed deck is located a suitable distance from the shoreline where there is still a buffer/vegetation from the shoreline.

The 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 designated, zoned and presently used for shoreline residential purposes. The proposed variances would not change the existing land use and would facilitate a modest addition to the existing dwelling and an attached deck. The proposed addition and attached deck appear to be buffered from the Lake by existing vegetation and appear not to have any impact on views from surrounding properties. The height is not proposed to be increased. The public interest is maintaining the aesthetics of the area and preserving the semi-wilderness values, which the proposed variances achieve. As a result, 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 to the dwelling and attached deck, the proposal is considered minor. The proposed development is located in the same general location of the existing development, maintains the existing vegetation along the shoreline where possible, and limits visual impacts due to the one storey design.

Staff have not had an opportunity to visit the subject property, however, have reviewed the drawings and photos submitted with the application and 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 24-02, the proposed variances are individually and collectively 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 following, in accordance with the sketch submitted with the Minor Variance application:

- An addition to the existing dwelling that is located 10 metres from the shoreline;
- An attached deck to the existing dwelling that is located 6 metres from the shoreline;
- A maximum shoreline activity area coverage of 106 square metres.

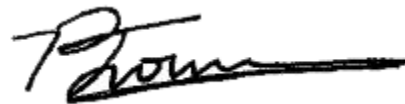
It is recommended that the variance be approved subject to the following condition:

- That prior to the issuance of a building permit, that a Site Plan Agreement for the subject property be entered into and registered to the subject property, to address the preservation of vegetation along the shoreline and to address the requested wording from Temagami First Nation.

Respectfully Submitted,
MHBC Planning



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Partner



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Associate

Attachments:

- 1) Drawings and Photos