

**The Corporation of the Municipality of Temagami  
COMMITTEE OF ADJUSTMENT  
The Municipality of Temagami Theatre  
November 30, 2017 at 1:00 pm  
MINUTES**

**Committee of Adjustment Members:** (Chair) Ron Prefasi, Claire Rannie, Jim Hasler, and Cathy Dwyer

**Staff:** Assistant Secretary-Treasurer: Tammy Lepage; Planner: Jamie Robinson (by phone).

**Absent:** Bruce Rice (With Notice), Nicole Brooker (With Notice) Secretary-Treasurer: Elaine Gunnell (with Notice) Barry Graham (Without Notice)

**Members of the Public: 1**

**Call to Order**

The Chair called the meeting to order at 1:00 pm.

The Chair introduced the Committee members. The Assistant Secretary-Treasurer read out the meeting procedures.

**Adoption of Agenda**

17- 49

MOVED BY: C. Dwyer

SECONDED BY: C. Rannie

BE IT RESOLVED THAT the agenda dated November 30, 2017 be adopted as presented.

CARRIED

**Approval of Minutes**

17-50

MOVED BY: J. Hasler

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held October 30, 2017 be adopted as presented.

CARRIED

**Declarations of Conflict of Interest**

None.

**Deferred Applications**

None.

**Adjourned Applications**

None.

**New Application**

**1) Application No. MV-17-06**

Applicant: Roger Norman Leger

Property Location: 287 Fox Run

---

**THE PURPOSE** of the Application is: to permit the construction of a shed exceeding 15 square metres prior to the main dwelling and the construction of a detached garage that has a greater gross floor area than what is permitted by the Zoning By-law

**THE EFFECT** of the Application is: to permit the construction of a shed that is 31 square metres in size prior to the main dwelling, where a maximum floor area of 15 square metres is permitted and the construction of a detached garage that has a gross floor area of 84.8 square metres, where a maximum gross floor area of 72.5 square metres is permitted.

*Jamie joined the meeting by phone at 1:10 p.m.*

#### Presentation of the Applications

The committee had received a copy of the application and the Planning Report from MHBC Planning dated November 22, 2017, with the meeting package. Jamie Robinson of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He addressed the four tests of a Minor Variance, and how the applications appear to meet the intent of the Official Plan and Zoning Bylaw and the tests of desirability and public interest. Jamie explained that he had not done a site visit, but based on his review of the information provided, the proposed variance is in fact minor and it does meet the four tests, and recommended to the Committee to approve the application. He explained an accessory building/shed is allowed to be constructed for tools & materials storage under the zoning by-law and he further explained that the proposed garage is larger than permitted than the zoning by-law. He also informed the Committee that the main dwelling is planned to be built at a future date. He addressed the zoning by-law limits regarding the size of the storage shed and also the request of construction prior to the main dwelling. The storage shed will be used for storage of construction material. He further explained the intent of the applicant that the accessory building/structure/shed is to be accessory to the main dwelling.

#### Correspondence Included in the Packages

- Correspondence from the Timiskaming Health Unit dated May 24, 2017– no objections.

#### Correspondence Received After Packages Were Compiled

There was no correspondence received after the package was compiled.

#### Presentation of the Application by the Applicant/Agent:

The applicant Roger Leger was not present.

#### Questions/Comments by other Property Owners:

No comments.

#### Questions/Comments by Committee of Adjustment Members:

The Committee of Adjustment Members had the following questions/comments:

- Questions regarding the frequency of accessory buildings being constructed prior to the main dwelling. Jamie clarified that accessory buildings are allowed to be constructed prior to the main dwelling and that this can be done, as of right, at the same time a permit is taken out for the main dwelling. The building can be used for temporary construction material storage.
- Question on the detached garage, on the sketch, with the “X” through it. Jamie clarified that this was the intended location of the proposed garage; however, the applicant decided to move it to the proposed location as shown in the application sketch.
- Explanation regarding the history of having accessory buildings built before the house and that it would be used as living quarters and the main dwelling wouldn’t be built, which is why the zoning by-law has those limitations.
- Comment regarding the recourse if a condition is not met regarding the building permit. Jamie clarified that with Site Plan Control Agreement wording can be in place to ensure that the building permit for the main dwelling is taken at the same time as the building permit for the shed.
- Comment regarding the shed being considered a Second Unit. Jamie clarified that second units must meet all the building code requirements and have cooking and washroom facilities. He further explained if the owner chooses, at a later date, to convert it the shed to a second unit, it must meet all building code requirements and must receive approval from the Timiskaming Health Unit for an additional septic system.
- Comments made in favour of the application.

#### Discussion/Decision by Committee Members:

The Committee members discussed the application and that the visual impact would not be disrupted and they want the applicant to maintain the vegetation between the buildings.

The following resolutions were passed:

**Application: MV-17-06**

17-51

MOVED BY: B. Leudke

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-17-06

Applicant: Roger Norman Leger

Subject to the attached Notice of Decision.

CARRIED

The notice of decision included the following conditions: the variance shall only apply as proposed in the application and application sketch; the applicant enters into a Site Plan Control Amendment Agreement with the Municipality and that building permit for the dwelling be obtained prior to the issuance of the building permit for the shed.

The reason cited for this decision was that the application satisfies the four test for a minor variance established in Section 45 of the *Planning Act*. The committee considered the comments made in coming to their decision.

**Other Business**

• **Cash in Lieu of Parkland**

The Committee was provided background information with regards to Cash in Lieu of Parkland. Staff provided the Committee with amounts received in 2014 and in 2009 and that the Secretary-Treasurer is in the process of confirming, with the Auditors if those funds have been allocated and/or depleted. Further discussion took place regarding By-law 15-1265 Cash-in-lieu of Parkland the percentage and that as per the *Planning Act* amounts received by such dedication can be used for parks or other public recreational purposes. It was discussed that, the Cash- in-lieu dedication has been inconsistent and that more discussion is needed and in more of a public consultation process.

The Chair informed the Committee that the Planning Advisory Committee is in the process of reviewing the User Fees and that the cash collected can be used for capital budget items such as: playground equipment, lawnmowers. Further discussion took place regarding this may be an undue hardship on the applicants paying for the development applications.

The Secretary-Treasurer informed the Committee that she has followed up with the Auditors and an amount of \$5,000 was not transferred to a surplus account and the auditors have informed the Secretary-Treasurer that they are reviewing the additional amount to ensure if it is in a reserve or has it been depleted.

• **Budget**

The Committee reviewed the Planning Department Budget and made the following recommendations:

- Itemized listing of time for the various task for the Planning Department
- Ensure the budget reflects the amount that is being listed by the various tasks of the Planning Department.
- The Development Applications be \$3,600
- Planning Applications be \$12,200

- GIS contracted services should be divided to each department that utilizes it.
- Business travel to have an increase to \$1,000
- The Professional Fees be reduced to \$13,000
- Materials and Supplies be \$200
- Planning Inspections be reduced to \$5,000
- Inquire on the cost of updating zone maps to fixing the map printer

The Committee discussed the importance of training and would like to have someone from GIS and the OACA to come perform some training

- **Recommendation to Council regarding appointment to the Committee**

The Committee discussed the applicants from the previous advertisement for Committee members and passed the following motion:

17-52

MOVED BY: B. Leudke

SECONDED BY: C. Dwyer

WHEREAS the Committee of Adjustment has received the resignation of John Kenrick effective September 19, 2017;

NOW THEREFORE BE IT RESOLVED THAT the Committee recommends that Council consider applicants from the recent Ad to fill the current vacancy;

AND FURTHER THAT the Committee recommends Gary Cline to be appointed to the Committee.

CARRIED

- **Scheduled Monthly Meetings Calendar**

The Committee discussed and reviewed the revised meeting schedule. Staff will check with the Clerk about advertising in the Speaker/Weekender, Temagami Times, mail/email out to the local contractors, place in the spring edition of the tax mail out, advertise on the municipal website and the bulletin board. The following motion was passed:

17-53

MOVED BY: B. Leudke

SCONDED BY: J. Hasler

WHEREAS on October 30, 2017 the monthly meetings schedule was adopted as presented; however, adjustments have been made to that schedule;

NOW THEREFORE BE IT RESOLVED THAT that the revised schedule be adopted as presented.

CARRIED

### **Adjournment**

17-54

MOVED BY: B. Leudke

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT the November 30, 2017 Committee of Adjustment meeting be adjourned at 3:04 p.m.

CARRIED

---

Prepared by Tammy Lepage  
Assistant Secretary-Treasurer Committee of Adjustment