

**The Corporation of the Municipality of Temagami
COMMITTEE OF ADJUSTMENT
The Municipality of Temagami Theatre
August 23, 2018 at 1:00 pm
DRAFT MINUTES**

An audio recording of this meeting has been made and is available through the Municipal Website.

The minutes of this Committee represent ideas or advice to Council. They do not represent decisions of Council and may require further study.

Committee of Adjustment Members: Jim Hasler (arrived 1:20 p.m), Barry Graham, Cathy Dwyer, Gary Cline, Bruce Rice (arrived 1:22 p.m.), Nicole Brooker & Claire Rannie

Staff: Secretary-Treasurer: Tammy Lepage; Planner: Jamie Robinson (by phone); Chief Building Official Monty Cummings.

Absent: Barret Leudke (Without Notice) Ron Prefasi (With Notice).

Members of the Public: 7

Call to Order

The consensus of the Committee was to wait for 20 minutes for members to arrive. The Secretary Treasurer informed the Committee that only three members of the committee need to be present to have quorum. The Secretary Treasurer called the meeting to order at 1:21 pm.

In the absence of the Chair, the consensus of the Committee passed the following motion:

18-12

MOVED BY: Barry Graham

SECONDED BY: Claire Rannie

BE IT RESOLVED THAT the Committee of Adjustment appoint Cathy Dwyer as Chair for this meeting.

CARRIED

The Chair introduced the Committee members.

The Secretary-Treasurer read out the meeting procedures.

Adoption of Agenda

18-13

MOVED BY: C. Rannie

SECONDED BY: B. Graham

BE IT RESOLVED THAT the agenda dated August 23, 2018 be adopted as presented.

CARRIED

Approval of Minutes

18-14

MOVED BY: N. Brooker

SECONDED BY: J. Hasler

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held March 22, 2018 be adopted presented.

CARRIED

Declarations of Conflict of Interest

None.

Deferred Application

None.

J. Robinson joined the meeting by phone at 1:31 p.m.

New Applications

1) Application No. MV-18-03

Applicant: Nancy and Steve Prescott

Property Location: 7412 Hwy 11 North

THE PURPOSE of the Application is: to permit an existing structure that is located less than two metres from the main building; and to permit an existing structure that is less than five metres from the side lot line.

THE EFFECT of the Application is: to permit a structure that is located directly adjacent to the main building where Section 6.04 e) of the Zoning By-law requires a minimum setback of two metres; and to permit a structure to be located within 0.3 metres of a side lot line where Section 7.5.2 – (Any dwelling unit c) requires a minimum side yard of 5 metres and Section 7.5.2 – All other accessory buildings – b) requires a minimum side yard setback of five metres.

Presentation of the Applications

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated August 13, 2018, with the meeting package. Jamie Robinson of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He explained the variances being requested was 13% total lot coverage, where 8% is permitted and a proposed 3m side yard setback, where 5m is permitted by the zoning by-law. He explained the four test of the minor variance as per s. 45 of the *Planning Act*, and that the intent of the Official Plan has been met; however, the intent of the zoning by-law, the desirability of the area, and is the development minor has not been met. He further explained that the side yard requirements are in place to ensure adequate spacing between buildings on adjacent properties and to provide that lots are not over developed. The proposed variance does not change the existing land use; however, is not desirable from a public interest, as the development location reduces and encroaches on the neighbouring property. He further explained that based on his review of the application, the application does not satisfy the four tests of a minor variance and recommends the variance not be approved.

Correspondence Included in the Packages

- Correspondence from the Timiskaming Health Unit dated August 14, 2018 – no objections.

Correspondence Received After Packages Were Compiled

The Secretary-Treasurer read out the correspondence below:

- Correspondence from Stephen Simpson received August 21, 2018 – objections to the proposed development.
- Correspondence from Kim and Rick Corbett received August 22, 2018 – no objections.
- Correspondence from Steve Prescott received August 22, 2018 – concerns with regards to the comments received.

Presentation of the Application by the Applicant/Agent:

The owner Steve Prescott spoke to the application and informed the Committee why the proposed development was placed in the current location. He further explained that he disagreed, with the Planning Consultants review of the application.

Questions/Comments by other Property Owners:

- Mr. Simpson spoke to the fire hazard concerns regarding the proposed development, and that the proposed 3m side yard setback directly on the lot line.

Questions/Comments by Committee of Adjustment Members:

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

- Was the buildings grandfathered in and built prior the passing of the current zoning by-law. S. Prescott confirmed buildings were built in 2002 to replace the collapsed wood shed and kept the same foot print.
- The Chief Building Official informed the Committee that the buildings do not meet the requirements of legal non-conforming and it contravenes the zoning by-law setbacks in the 1981 Zoning By-law. J. Robinson also confirmed that the proposed development was erected prior to the passing of the 2006 Zoning by-law and that a minor variance application was required.

Discussion/Decision by Committee Members:

The Committee members discussed the application and the following resolution was passed:

Application: MV-18-03

18-15

MOVED BY: C. Rannie

SECONDED BY: G. Cline

BE IT RESOLVED THAT

The Committee of Adjustment: Refused

Minor Variance Application: MV-18-03

Applicant: Steve and Nancy Prescott

Subject to the attached Notice of Decision.

CARRIED

The notice of decision shall reflect that the variance shall be

The reason cited for this decision was that the application satisfies did not satisfy the four test for a minor variance established in Section 45 of the *Planning Act*. The committee considered the comment made in coming to their decision.

B. Rice returned to the table.

2) Application No. MV-18-04

Applicant: Peter Christie & Nicole Bedard

Property Location: 58 Pozniak Road

THE PURPOSE of the Application is: to permit the construction of a detached garage, which would result in a larger gross floor area than permitted by the Zoning By-law.

THE EFFECT of the Application is: to permit the construction of a detached garage that has a gross floor area of 142 square metres where a maximum gross floor area of 72.5 square metres is permitted for a detached garage (Section 7.5.2 – Detached Garage - a).

Presentation of the Applications

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated August 13, 2018, with the meeting package. Jamie Robinson of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. This application met all four test of the minor variance. He explained that the property is well vegetated and well set back from the shoreline and the proposed development is not visible. Based on his

review of the application, his recommendation to the Committee would be to grant the minor variance subject to condition that the variance only apply to the garage as shown in the application sketch.

Correspondence Included in the Packages

- Correspondence from the Timiskaming Health Unit dated August 14, 2018 – no objections

Correspondence Received After Packages Were Compiled

None.

Presentation of the Application by the Applicant/Agent:

The applicant Peter Christie, spoke to the application and agreed with the Planning Consultant's assessment of the application. He explained to the Committee that there is no boat traffic, the proposed development is well hidden and he had nothing further to add.

Questions/Comments by other Property Owners:

None.

Questions/Comments by Committee of Adjustment Members:

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

- Posed a question of who installed the septic? Mr. Christie informed the Committee that he tried to find records of it being built or registered and had Timiskaming Health Unit come and do a site inspection and found no issues with the septic.
- Staff is to provide a copy of the comment submitted by the Timiskaming Health Unit to Mr. Christie.

Discussion/Decision by Committee Members:

The Committee members discussed the application and the following resolution was passed:

Application: MV-18-04

18-16

MOVED BY: B. Graham

SECONDED BY: B. Rice

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-18-04

Applicant: Peter Christie and Nicole Bedard

Subject to the attached Notice of Decision.

CARRIED

The notice of decision shall reflect that the variance shall be granted subject to: the variance only apply to the proposed detached garage as shown in the application sketch.

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 comment made in coming to their decision.

J. Robinson was excused from the meeting at 2:41 p.m.

Adjourned Applications

None.

New Business

Correspondence from Jeff Elkow MTCS regarding Archaeological and Heritage Feature Training

- The Committee deferred this item until the after the Council election.
- The Committee heard from a member of the public regarding marine archaeological and training services.
- The Committee would like to ensure that within the Planning Report, have within the report that the Temagami First Nation was notified of applications, and that there was no known archaeological features were found during pre-consultation phase.
- Staff is to prepare a report to Council asking if the Planning Department along with the Temagami First Nation can have a shared map regarding archaeological features during pre-consultation phase.

Correspondence from Lee Anne Doyle regarding Committee of Adjustment Training.

- The Committee defer until the new committee is elected – valid keep on the agenda – new committee has this quote for training.

Adjournment

18-17

MOVED BY: B. Graham

SECONDED BY: G. Cline

BE IT RESOLVED THAT the August 23, 2018 Committee of Adjustment meeting be adjourned at 2:55 p.m.

CARRIED

Prepared by Tammy Lepage
Secretary-Treasurer Committee of Adjustment