



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI
COMMITTEE OF ADJUSTMENT
MINUTES**

**July 25, 2019, 1:00 P.M.
Main Level Chambers**

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

PRESENT: C. Dwyer, N. Brooker, B. Graham,
ABSENT: G. Cline (Without Notice), B. Rice (Without Notice), K. Ballentine (Without Notice)
STAFF: Secretary-Treasurer: T. Lepage; Planner: P. Townes (By Phone)
GUESTS: Municipal Clerk: S. Fournier, Agent: L. Lefrancois, Applicant : N. Poirier

CALL TO ORDER

The Chair called the meeting to order at 1:00 p.m. There were two people in the audience. The Chair called the roll.

The Secretary-Treasurer read out the meeting procedures.

ADOPTION OF THE AGENDA

Adoption of the Agenda dated July 25, 2019

19-06

MOVED BY: B. Graham

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the agenda dated July 25, 2019 be adopted as presented.

CARRIED

ADOPTION OF THE MINUTES

Adoption of the Minutes from the April 25, 2019

19-07

MOVED BY: N. Brooker

SECONDED BY: B. Graham

BE IT RESOLVED THAT the minutes of the Committee of Adjustment meeting held April 25, 2019 be adopted presented.

CARRIED

DECLARATION OF CONFLICT OF INTEREST

None.

DEFERRED APPLICATIONS

None.

ADJOURNED APPLICATIONS

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None.

NEW APPLICATIONS

Application No. C-19-02

Applicant: Nicole Poirier

Property Location: 852 Tonomo Lake Road

THE PURPOSE of the application is: to sever a new lot on the subject lands. The retained and severed lots are proposed to be used for tourist commercial uses. The subject lands are currently 1.6 hectares (3.95 acres) in lot area and each of the proposed lots will be 0.8 hectares (1.98 acres). The proposed retained lot will contain three cabins and the proposed severed lot will contain a dwelling and accessory buildings. The subject lands are located within the Tourist Commercial (TC) Zone. The proposed lot layout is shown on the attached key maps.

P. Townes joined the meeting by phone at 1:09 p.m.

Presentation of the Application:

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated July 16, 2019, with the meeting package. P. Townes of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He explained that the site is located in the Marten River Neighbourhood, has an Official Plan (OP) designation of Integrated Management Area, and is Zoned Tourist Commercial. He explained that the proposed lot creation is in conformity, with the permitted uses in the OP, and there was no known natural heritage features or cultural heritage features identified on the property. He explained that a Zoning By-law Amendment is recommended, to comply with the lot standards and uses permitted in the zoning by-law. He further explained the proposed conditions outlined in the notice of decision, and that based on his review of the application, his recommendation to the Committee would be to grant, by way of, provisional consent.

Correspondence Included in the Packages

None.

Correspondence Received After Packages Were Compiled:

The Secretary-Treasurer read out the correspondence below:

- Correspondence from the Timiskaming Health Unit dated July 24, 2019 – No objections

Presentation of the Application by the Applicant/Agent:

The owner was present at the meeting and informed the Committee, as to why the severance was being requested. Clarification was sought regarding the condition of a zoning by-law amendment. P. Townes provided clarification regarding current zoning of the property, and when a new lot is created the property is severed into two; on the West side of the proposed severance the zoning will remain Tourist Commercial, and the East side of the proposed severance the main cabin will become the main residential dwelling.

Questions/Comments by other Property Owners:

None.

Questions/Comments by Committee of Adjustment Members:

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- Question regarding the locations of the current septic systems, as it is not shown on the sketch provided. P. Townes confirmed that a letter of confirmation was received from the health unit both units are serviced.
- Concern regarding existing septic system is too close to the lot line. P. Townes clarified that when the survey is being drafted, consideration of the setbacks from the septic system can be included in the drawing.
- Question if the applicant chose to maintain the proposed tourist commercial on the east what would be needed. P. Townes clarified that, with the application the retained lot was not proposed to remain tourist commercial.
- Comment regarding septic system, and if the proposed severed lot is serviced. Chair clarified that Timiskaming Health Unit does an inspection and ensures that the site is suitable for a septic system.
- Question regarding the understanding of the retained lot to maintain its tourism commercial zoning. Further question posed as to rezoning both lots as residential. The owner clarified that the severed lot will remain tourist commercial, as the new owners may wish to rent out the cabins. P. Townes clarified that the wording of the condition regarding the zoning bylaw amendment is general, and the desire is to maintain the zoning as such; it would be permitted, as long as, the standards of the zoning by-law can be met.
- Question regarding the lot size being too small, to maintain the tourism commercial zone.

Discussion/Decision by Committee Members:

The Committee members discussed the application and the following resolution was passed:
19-08

MOVED BY: B. Graham

SECONDED BY: N. Brooker

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Consent Application: C-19-02

Applicant: Nicole Poirier

Subject to the attached Notice of Decision

CARRIED

The notice of decision included the following conditions: The consent shall be granted subject to the following conditions:

1. Preparation of an updated Reference Plan, in substantial compliance with the application;
2. The completion of a Zoning By-law Amendment to address the intended use of the retained lands, and severed lands, and to ensure the retained lands and severed lands comply with the Zoning By-law;
3. Confirmation that the severed lands have a strip of lands, with a minimum width of 10 metres, and a minimum of 10 metres frontage on Wilson Lake Road/Tonomo Lake Road to accommodate a new driveway and access;
4. That the new driveway entrance be approved by the Public Works department of the Municipality;
5. That the Timiskaming Health Unit provide confirmation that the existing development on the severed lands (three cabins) is appropriately serviced (water supply and septic systems);

6. The Site Plan Agreement NO. SPC-08-17 be amended to reference the two lots with the Municipality of Temagami; and
7. That the standard conditions of the Municipality be met.

The reason cited for this decision was that the application for consent is consistent with the Provincial Policy Statement, conforms to the Official Plan and meets the general intent of the Zoning By-law. The Committee considered the comments made in coming to their decision.

Application No. MV-19-02

Applicant: John & Ronda Pecaric

Property Location: 16 Lake Temagami Island 1002

THE PURPOSE of the application is: to permit the construction of an addition to one of the existing sleep cabins on the subject property. The existing sleep cabin is located within the Shoreline Activity Area and is considered legal non-complying building, due to not meeting the minimum required setback from the shore. The subject property is located within the R1 Lake Temagami Zone.

THE EFFECT of the Application is to vary the following sections of the Zoning By-law:

- Section 6.28: To permit an expansion of a non-complying sleep cabin that is located within the Shoreline Activity Area. The sleep cabin has a current size of 30.5 square metres (328.3 square feet) and is proposed to be expanded to 44.53 square metres (479.3 square feet) which is an increase of 14.03 square metres (151.0 square feet). A deck is also proposed to be attached to the sleep cabin and is 17.52 square metres (188.6 square feet) in size.
- Section 6.40: To permit an increase in the maximum area of structures within the Shoreline Activity Area of 183 square metres (1,970 square feet) where 100 square metres (1076.4 square feet) is permitted.
- Section 7.4.2 Any Sleeping Cabin without both bathroom and kitchen facilities a): To permit an addition to an existing sleep cabin that is located 8 metres (26.2 feet) from the shore on the north side of the subject property, and 8 metres from the shore on the west side of the subject property. The minimum setback is 15 metres (49.2 feet) from the shore and the existing sleep cabin is located 9 metres (29.5 feet) from the shore on the west side of the subject property and 11 metres (36.1 feet) from the shore on the north side of the subject property.
- To permit a new deck attached to a sleeping cabin that is located 7 metres (23 feet) from the shore on the north side of the subject property.
- Section 7.4.2 The Lot g): To permit a total lot coverage of 11% where a maximum of 8% is permitted. The existing total lot coverage on the subject property is 9.2%. The total lot coverage is proposed to be increased by 1.8% and exceed the maximum by 3%.

Presentation of the Application:

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated July 16, 2019, with the meeting package. P. Townes of MHBC attended by telephone and summarized the application with a power point presentation for the Committee. He clarified for the Committee that the applicants are only requesting the variance to the sleep cabin with this application. He further explained that based on his review of the application, the application is consistent with the Provincial Policy Statement, conforms to the Official Plan (OP), and there was no known natural heritage features or cultural heritage features identified on the property. He further explained that the proposed location of the development is appropriate
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given the limiting factors of the size of the island and ensuring the character of the area is maintained, as per the zoning by-law. He further confirmed that a site visit hasn't been completed; however based on the review of the application the proposed variance seems to be minor, and that the proposed variance is in keeping, with the intent and character of the area. The proposed development can be considered desirable development for the subject property, as the development doesn't change the use of the land, and is compatible with the surrounding development of the area.

Correspondence Included in the Packages:

- Correspondence received from the Timiskaming Health Unit dated July 15, 2019 – no objections

Correspondence Received After Packages Were Compiled:

The Secretary-Treasurer read out the correspondence below:

- Correspondence received from P. Tamburro of Temagami Lakes Association dated July 24, 2019 – no objections

Presentation of the Application by the Applicant/Agent:

The agent L. Lefrancois was present at the meeting and informed the Committee, as to why the variance was being requested. He further explained that Bunkie is not clearly visible from the shoreline, and no shoreline vegetation will be removed. Two to three small cedars will be removed during the construction.

Questions/Comments by other Property Owners:

None.

Questions/Comments by Committee of Adjustment Members:

- Question regarding comments received from the Timiskaming Health Unit. The Chair read out the correspondence included in the package.
- Question regarding when a site visit was completed on this property from the Timiskaming Health Unit. Clarification was provided that a site visit was completed when the installation of the class 2 septic system.
- Question regarding the class 2 system is sufficient to sustain the proposed development.
- Question regarding the sketch as to the proposed expansion to the main cabin included on the drawing. P. Townes clarified that the applicant included the proposed expansion to the main cabin for a future proposed development.
- Question sketch does not display dimensions from the water's edge. P. Townes sketch was prepared by a surveyor, and sometimes hand drawn at times. Dimensions can be included in the Site Plan Sketch.
- Question sketch does not illustrate the shoreline activity area. P. Townes clarified that drawings are provided in hand drawn at times, this drawing was done by a surveyor, and that moving forward this item will be placed on the drawing. The Secretary-Treasurer clarified that due to the size of the island the shoreline activity area (SAA) wasn't demonstrated, as the entire development is within the SAA.
- Question posed as to what is the proposed development. The agent clarified that they are looking at tearing down the sleep cabin and rebuilding, while keeping the existing foot print of the current sleep cabin.

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- Question posed regarding consultation with the Temagami First Nation. The Secretary-Treasurer clarified that the Temagami First Nation were advised, as part of, the public notice requirements on both the applications, and have received no comments.
- Comment regarding that the property is well vegetated, and that the proposed development cannot be seen, as the main cottage is very close to the water's edge.

Discussion/Decision by Committee Members:

The Committee members discussed the application and the following resolution was passed:
19-09

MOVED BY: N. Brooker

SECONDED BY: B. Graham

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-19-02

Applicant: John & Ronda Pecaric

Agent: Louis Lefrancois

Subject to the attached Notice of Decision

CARRIED

The notice of decision shall reflect that the variance shall be granted subject to the following conditions:

- Applicant enter into a site plan agreement with the Municipality of Temagami; and
- The variance apply to the location development proposed in the application sketch, excluding the addition to the cottage dwelling.

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.

ITEMS FOR INFORMATION

None.

NEXT MEETING DATE

Dependent on applications.

ADJOURNMENT

P. Townes was excused from the meeting at 2:10 p.m.

19-10

MOVED BY: B. Graham

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the July 25, 2019 Committee of Adjustment meeting be adjourned at 2:12p.m.

CARRIED

Prepared by: Tammy Lepage Secretary-Treasurer Committee of Adjustment