



THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

COMMITTEE OF ADJUSTMENT

MINUTES

**January 30, 2020, 1:00 P.M.
Main Level Chambers**

PRESENT: C. Dwyer, N. Brooker, K. Ballentine, B. Leudke

ABSENT: G. Cline (With Notice) , (B. Rice With Notice), B. Graham (With Notice)

STAFF: T. Lepage, D. Bell & S. Fournier
J. Robinson, & P. Townes of MHBC Planning (By Telephone)

GUEST: (Applicants) L. Wolstenholme; R. Wolstenholme; (Agent) K. Beauchamp of Clearwater Planning Inc, (Contractor) I. Beauchamp of Clearwater Builders

CALL TO ORDER

The Chair called the meeting to order at 1:00 p.m. and the Chair called the roll.

MEETING PROCEDURES

Secretary-Treasurer to read out the meeting procedures.

ADOPTION OF THE AGENDA

Adoption of the Agenda dated January 30, 2020

20-01

MOVED BY: B. Leudke

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the agenda dated January 30, 2020 be adopted as presented.

CARRIED

ADOPTION OF THE MINUTES

Adoption of the Minutes from the September 26, 2019 meeting.

Minutes from the September 26, 2019 meeting has been deferred until the next hearing of the Committee.

DECLARATION OF CONFLICT OF INTEREST

None.

DEFERRED APPLICATIONS

- C-19-01 - Krygsman
 - C-19-01 - Krygsman Consent application deferred until a Stage 2 archaeological assessment is completed.
- C-19-03 in conjunction with MV-19-04 - Carswell/Amyotte
 - Awaiting on the revised sketch.
- MV-19-03 - Allen
 - Awaiting on Stage 2 archaeological assessment to be completed
- MHBC - Update provided under Items for Discussion.

ADJOURNED APPLICATIONS

None.

NEW APPLICATIONS

Application No. MV-20-01- Wolstenholme

Applicant: Karen Beauchamp, Clearwater Planning Inc on behalf of Robert & Lynne Wolstenholme

Property Location: 61 Rattler Road

THE PURPOSE of the Application is:

- To permit an addition to the existing dwelling to increase the amount of living room space. The proposed addition is located over an existing deck on the east side of the cottage. The location existing deck and the proposed addition do not meet the minimum distance from the shore for any dwelling unit within the Remote Residential (R2) Zone; and also do not meet the minimum side yard for any dwelling unit within the R2 Zone.
- Section 7.5.2 a) of the Zoning By-law requires a minimum distance from shore for any dwelling unit of 15.0 metres; and Section 7.5.2 c) requires a minimum side yard of 5.0 metres. The existing deck and the proposed addition are located 12.2 metres from the shore, and 1.4 metres from the eastern side lot line.
- Variances are proposed to Section 7.5.2 a) of the Zoning By-law to reduce the minimum distance for any dwelling unit from the shore by 2.8 metres (12.2 metres is proposed and 15.0 metres is required), and to Section 7.5.2 c) to reduce the minimum side yard by 3.6 metres (1.4 metres is proposed and 5.0 metres required).

THE EFFECT of the Application is:

To permit an addition to the existing dwelling to increase the amount of living space, having a setback of 12.2 from the shore and a setback of 1.4 metres from the side lot line.

Presentation of the Applications

The Committee had received a copy of the application and the Planning Report from MHBC Planning dated January 20th, with the meeting package. Patrick Townes & Jamie Robinson of MHBC attended by telephone. Patrick Townes summarized the application with a PowerPoint Presentation for the Committee. He affirmed that through staff's review of the application and the comment received from Temagami First Nation he explained that the cultural heritage features will be protected and the proposed addition isn't proposing ground disturbance and will be screened from the lake; therefore, no archaeological study is to be required. He explained that

no vegetation is to be cultivated, and no other environmental features were located on the property or surrounding lands. He further explained the four tests of the minor variance as per s. 45 of the *Planning Act* and informed the Committee no site visit was completed. Based on the review of the three tests of a minor variance, the comments received the application appears to be minor in nature. He further recommended a clause to be added to the amended site plan agreement as stated in the notice of decision.

Correspondence Included in the Packages

Correspondence from Temagami First Nation dated January 15, 2020 - Canoe & portage routes identified, would like to ensure no increased visibility from these routes from the deck enclosure; and high archaeological potential, if applicants decide to excavate or disturb the ground with future additions a stage 2 archaeological study is recommended.

Correspondence Received after Packages were compiled

Correspondence from Timiskaming Health Unit dated January 27, 2020 – no objections.

Presentation of the Application by the Applicant/Agent

K. Beauchamp of Clearwater Planning Inc., Agent for the applicant spoke to the application. She informed the Committee that she concurs with MHBC analysis of the four tests of a minor variance; is in agreement with the draft decision; and that the three previous site plans be repealed and replaced with the site plan control agreement including the clause as stated in the draft notice of decision.

Questions/Comments by other Property Owners

None.

Questions/Comments by Committee of Adjustment Members

- Question posed if the wood shed is to remain. Applicants confirmed the wood shed is staying.

Discussion/Decision by Committee Members

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

20-03

MOVED BY: N. Brooker

SECONDED BY: B. Leudke

BE IT RESOLVED THAT

The Committee of Adjustment: Grants

Minor Variance Application: MV-20-01

Applicant: Karen Beauchamp on behalf of Robert & Lynne Wolstenholme

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:

- That the variance apply to the proposed addition referenced in the application sketch;

- Prior to the issuance of a building permit, the Site Plan Control Agreement for the property be repealed and replaced to reflect the proposed variances, and registered on title; and
- That the Site Plan Control Agreement include the following clause:

The property is located within an area of high archaeological potential. If artifacts are uncovered on the property, the owners shall contact the Ministry of Tourism, Culture and Sport, as well as, the Temagami First Nation, to determine whether or not a licensed archaeologist needs to attend the site.

The reason cited for this decision was that the application for minor variance 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.

ITEMS FOR DISCUSSION

- Temagami First Nation pre-consultation process
- Determination of studies as part of a complete application
- Pre-consultation timelines for applications

The Committee discussed the items listed above, and staff informed the Committee that a review of the pamphlets/fact sheets can be completed, and that once finalized be provided during pre-consultation. P. Townes informed the Committee on when additional studies are required, as part of a complete application, and timelines for pre-consultation. He further provided updates on open planning applications.

The Secretary-Treasurer provided an update on the Consent-19-01 application, and informed the committee that a follow up with the applicants will be completed. She read the excerpt from the Zoning bylaw regarding pruning and ventilation surrounding buildings; although the metres for clearing regarding the “Fire smart “guidelines differ from the zoning bylaw.

The Municipal Bylaw Enforcement Officer provided an update on the outstanding orders of the Local Planning Appeal Tribunal regarding Minor Variance Application No. MV-18-03. He provided further explanation regarding site plan agreements, and what the limitations are listed within the site plan agreement.

P. Townes & J. Robinson was excused from the meeting at 2:00 p.m.

NEXT MEETING DATE

Dependent on application.

ADJOURNMENT

20-04

MOVED BY: K. Ballentine

SECONDED BY: N. Brooker

BE IT RESOLVED THAT the January 30, 2020 Committee of Adjustment meeting be adjourned at 2:22 p.m.

CARRIED

Prepared by: Tammy Lepage Secretary-Treasurer Committee of Adjustment