



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

**AGENDA**

**Thursday, May 26, 2022, 1:00 P.M.**

An audio recording of the Open Session of this meeting is being made and will be available through the Municipal Website as a public service to further enhance access to municipal government services and to continue to promote openness and transparency. As a visitor, your presence along with your name and address, may be recorded revealed during certain parts of the meeting. Any comments made at a meeting will become part of the public record.

**Pages**

1. **CALL TO ORDER**
- 1.1. **MEETING PROCEDURES**
2. **ADOPTION OF THE AGENDA**  
Draft Motion:  
BE IT RESOLVED THAT the agenda dated May 26, 2022 be adopted as presented/amended.
3. **ADOPTION OF THE MINUTES**
- 3.1. **DRAFT Committee of Adjustment Minutes - March 03, 2022** 1  
Draft Motion:  
BE IT RESOLVED THAT the Minutes of the Committee of Adjustment Meeting held on March 03, 2022 at 11:00 a.m. be adopted as presented/amended.
4. **DECLARATION OF CONFLICT OF INTEREST**
5. **NEW APPLICATIONS**
- 5.1. **MV 22-01 MORLEY** 3  
Draft Motion:  
BE IT RESOLVED THAT the Committee of Adjustment received the report from MHBC dated May 26, 2022;  
  
AND FURTHER THAT the Committee of Adjustment approved the recommendation from MHBC regarding MV 22-01 as presented/amended.
- 5.2. **C 22-01 CRANFIELD** 12  
Draft Motion:  
BE IT RESOLVED THAT the Committee of Adjustment received the report from MHBC dated May 26, 2022;  
  
AND FURTHER THAT the Committee of Adjustment approved the recommendations from MHBC regarding C 22-01 as presented/amended.
6. **ITEMS FOR INFORMATION**
7. **NEXT MEETING DATE**
8. **ADJOURNMENT**

Draft Motion:

BE IT RESOLVED THAT this meeting adjourn at X:XX p.m.



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**COMMITTEE OF ADJUSTMENT  
DRAFT MINUTES**

**March 3, 2022, 11:00 A.M.**

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

**STAFF:** S, Fournier, D, Bell, P. Townes from MHBC

**CALL TO ORDER**

Municipal Clerk Fournier called the meeting to order at 11:00 a.m.  
There were 2 people in the audience. The Municipal Clerk called the Roll.

The Municipal Clerk read out the meeting procedures.

**Appointment of Chair**

**22-001**

**MOVED BY:** B. Leudke  
**SECONDED BY:** N. Brooker

WHEREAS subsection 44(7) of the *Planning Act* states, the members of the Committee shall elect one of themselves as Chair;

AND FURTHER THAT the Committee of Adjustment appoint Deputy Mayor Cathy Dwyer as Chair.

**CARRIED**

**ADOPTION OF THE AGENDA**

**22-002**

**MOVED BY:** B. Leudke  
**SECONDED BY:** B. Rice

BE IT RESOLVED THAT the agenda dated March 3rd, 2022 be adopted as presented.

**CARRIED**

**ADOPTION OF THE MINUTES**

**DRAFT Committee of Adjustment Meeting - May 27, 2021**

**22-003**

**MOVED BY:** B. Leudke  
**SECONDED BY:** N. Brooker

BE IT RESOLVED THAT the Minutes of the Committee of Adjustment Meeting held on May 27, 2021 be adopted as presented.

**CARRIED**

### **DECLARATION OF CONFLICT OF INTEREST**

Deputy Mayor requested disclosure of pecuniary interest. Administration reported that none were received prior to the meeting. There were no other disclosure made.

### **NEW APPLICATIONS**

#### **MV 21-02 PLATTS**

**22-004**

**MOVED BY:** B. Leudke

**SECONDED BY:** B. Rice

BE IT RESOLVED THAT the Committee of Adjustment received the report from MHBC dated March 3rd 2022;

AND FURTHER THAT the Committee of Adjustment approved the Notice of Decision MV 21-02 as presented.

**CARRIED**

### **ITEMS FOR INFORMATION**

#### **Property Standards Order Appeal**

This was provided has information only.

### **ADJOURNMENT**

**22-006**

**MOVED BY:** B. Leudke

**SECONDED BY:** N. Brooker

BE IT RESOLVED that the meeting adjourn at 12:01p.m

**CARRIED**

MUNICIPALITY OF TEMAGAMI			
<b>Report Prepared For:</b>	Suzie Fournier, Municipal Clerk	<b>Application Number:</b>	MV 22-01
<b>Report Prepared By:</b>	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	<b>Applicants:</b>	Duff Ryan
<b>Location:</b>	18 Lake Temagami Isl	<b>Owners:</b>	Alexander and Lorrie Morley
<b>Report Date:</b>	May 26, 2022	<b>Application Type:</b>	Minor Variance

## A. PROPOSAL/BACKGROUND

An application for a Minor Variance has been submitted for the subject property located at 18 Lake Temagami Isl. The subject property is owned by Alexander and Lorrie Morley and the application was submitted by Duff Ryan.

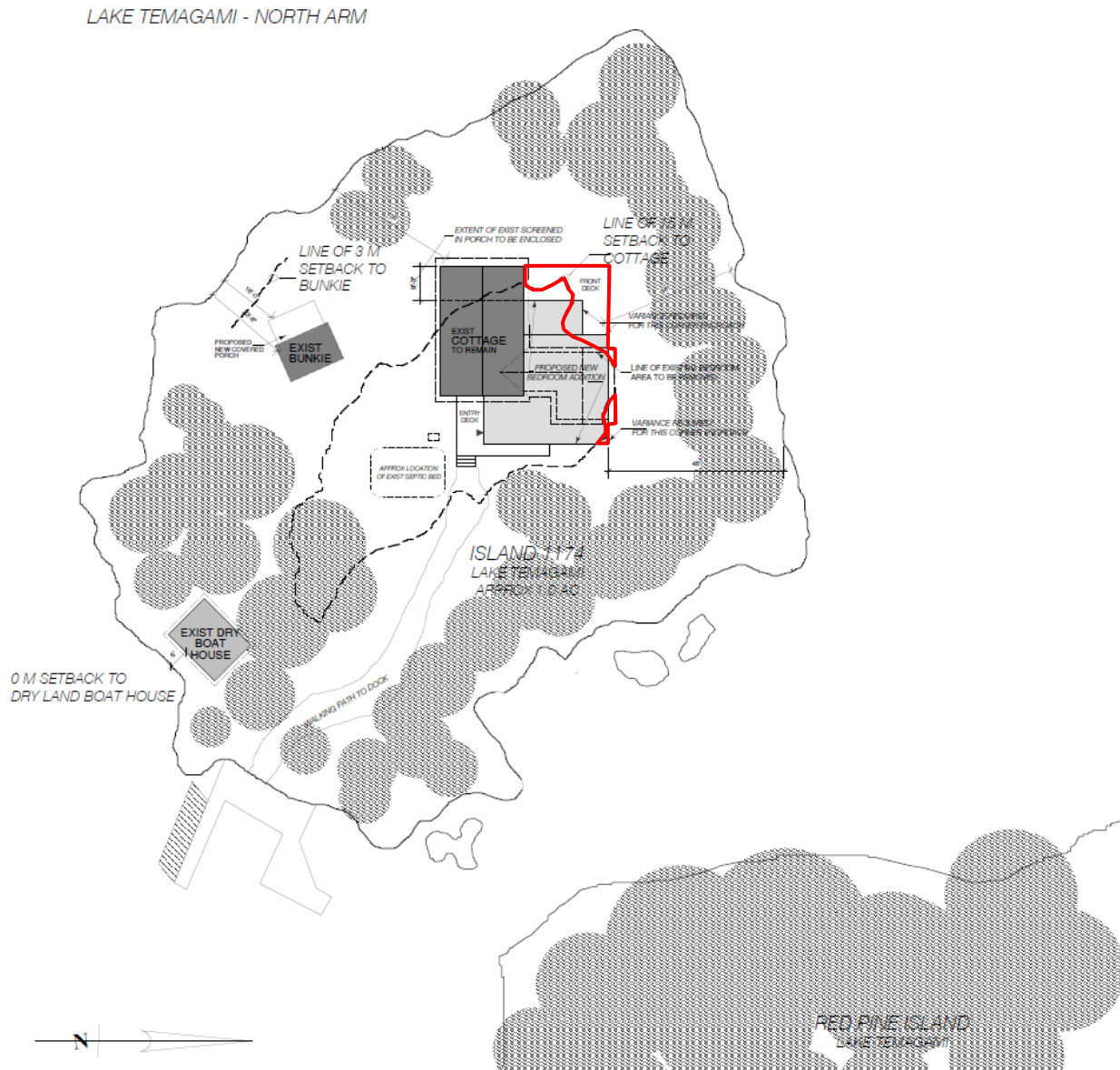
The subject property is an island located on Lake Temagami. The subject property is located within the Lake Temagami Neighbourhood and is designated Special Management Area. The subject property is located within the Remote Residential (R1) Lake Temagami Zone. The subject property is identified on Figure 1:

Figure 1: Subject Property



The subject property has a lot area of 4,477 square metres or 0.44 hectares and has a lot frontage of 90 metres. The existing development on the subject property includes: a dwelling, a land based boathouse, a sleep cabin and a dock. The existing dwelling is 76 square metres (818 square feet) and the proposed addition is 93 square metres (1,000 square feet), plus the attached deck of 45 square metres (484 square feet).

The existing development and the proposed development is shown on Figure 2. The proposed elevation drawings are included in Figure 3.  
 Figure 2: Existing and Proposed Development



The proposed addition and attached deck is located within 15 metres of the shoreline and located within the Shoreline Activity Area. The sections of the proposed addition and deck that are located within 15 metres of the shoreline are outlined in red on Figure 2. The existing dwelling is located 11 metres from the shoreline, and the proposed addition is located 11.6 metres from the shoreline and the proposed deck is located 10.5 metres from the shoreline.



Figure 3: Elevation Drawings



MODEL IMAGE ENTRY



MODEL IMAGE NORTH WEST LAKE SIDE



MODEL IMAGE SOUTH WEST LAKE SIDE

The owners have also provided photos of the property and these are included in Figure 4.

Figure 4: Site Photos







In regards to Section 2.14 of the Official Plan titled Cultural Heritage Features and Section 9.24 of the Official Plan titled Complete Application, Temagami First Nation provided comments dated May 18, 2022. Temagami First Nation is recommending that a scoped archaeological assessment be completed for the proposed development. These comments have been attached to this Report.

## **B. PROPOSED MINOR VARIANCE**

The subject property is located within the Rural Residential (R1) Lake Temagami Zone in the Zoning By-law. The purpose and effect of the minor variance application is to permit an addition to an existing dwelling and decks that encroach slightly further into the minimum setback from the shore of 15 metres. The existing dwelling is considered legal non-complying because it is not located 15 metres from the shore (currently located 11 metres from the shoreline). The closest point to the shoreline for the proposed addition is 11.6 metres and the closest point to the shoreline for the proposed attached deck is 10.5 metres.

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

- Section 6.28 – To permit an addition to an existing legal non-complying building that encroaches into the minimum setback from the shoreline.
- Section 7.4.2 a) Dwelling Unit – To permit an addition that is located 11.6 metres from the shoreline, an attached deck that is located 10.5 metres from the shoreline (where the existing dwelling is located 11 metres from the shoreline).

### **C. COMMENTS RECEIVED**

Temagami First Nation provided written comments on May 18, 2022. Temagami First Nation comments have been attached to this Report.

The Timiskaming Health Unit provided comments and confirmed there is no issue with the proposed development and the existing septic system.

### **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 and is located within the Lake Temagami Neighbourhood in the Official Plan. 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 is considered a permitted use within 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. The Temagami First Nation was circulated on this application in advance of the statutory timelines.

Section 2.14 “Cultural Heritage Features” and Section 9.24 “Complete Application” were reviewed in the pre-consultation phase of the application. Temagami First Nation provided comments on May 19, 2022. Temagami First Nation is recommending that a scoped archaeological assessment be completed for the proposed development. These comments have been attached to this Report.

Section 2.17 of the Official Plan contains policies which guide development on waterfront properties. This policy promotes the retention of vegetative buffers to screen development from the shoreline. Based on a review of the aerial photos and the applicant’s drawing, the shoreline of the subject property is vegetated the proposed addition and deck appears to be screened from views from the shoreline. The majority of the surrounding land uses are Crown Land and there appears to be limited impacts on surrounding patented lands and properties.

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 proposed addition is located in a manner that slightly encroaches into the required 15 metre setback from the shoreline. As a result of the location of the subject property and the existing vegetation along the shoreline, the goals of the Lake Temagami Neighbourhood are achieved.

The owners will be required to enter into a Site Plan Control Agreement with the Municipality to establish measures to protect the shoreline area.

Based on a review of the Official Plan policies, the proposed variance is in-keeping with the intent of the Official Plan; however, it is recommended that a decision be deferred until such time a scoped assessment can be completed on the subject property

## **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 Municipality of Temagami's Zoning By-law. A permanent dwelling unit is a permitted use within the R1 Zone.

The minor variance is required to permit an addition to an existing legal non-complying building that encroaches into the minimum setback from the shore. The existing dwelling is located 11 metres from the shoreline, the proposed addition is to be located 11.6 metres from the shoreline, and the proposed deck is to be located 10.5 metres from the shoreline.

The provisions for a minimum shoreline setback of 15 metres within the Shoreline Activity Area is intended to preserve the character of the Lake Temagami shoreline and to enable an area for vegetation between development and the shoreline. Existing vegetation will be maintained between the proposed addition and deck to the shoreline. Provided vegetation is maintained within the shoreline area, the reduced setbacks and the development within the Shoreline Activity Area would appear not to impact the character of the area.

All other zone provisions of the R1 Zone are in compliance, including the following:

- The proposed lot coverage is 5.6% where a maximum lot coverage of 8% is permitted.
- The area of proposed buildings and structures to be located within the Shoreline Activity Area is 83 square metres where a maximum of 100 square metres is permitted.

The proposed variance is 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 currently used for residential purposes. The proposed variance would not change the existing land use. The proposed development would not result in a negative impact to the existing character of the area, view from the lake, nor have an impact on adjacent landowners. The proposed variances are desirable.

## **4) Is the variance minor?**

Following a review of the three tests to a minor variance, staff are of the opinion that the proposed addition and deck are minor in nature. The proposed development does not

result in the overdevelopment of the subject property, and the addition will be screened from views from the lake by the existing vegetation.

**E. SUMMARY**

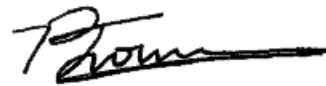
Based on the review of the Minor Variance application MV 22-01, the proposed variance is in-keeping with the intent of the Official Plan, the intent of the Zoning By-law, can be considered desirable development for the subject property, and appears to be minor.

Based on the comments received from Temagami First Nation, it is recommended that a decision on the minor variance application be deferred until such time a scoped assessment can be completed on the subject property.

Respectfully Submitted,  
**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP  
Partner

A handwritten signature in black ink, appearing to read 'P. Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BA, BEd  
Associate



# TEMAGAMI FIRST NATION

BEAR ISLAND,  
LAKE TEMAGAMI, ONTARIO P0H 1C0  
TEL 1.888.737.9884 | 705-237-8943  
FAX 705.237.8959

May 18, 2022

Patrick Townes, Municipality of Temagami

Re: application MV-22-01, sent via email

Patrick Townes,

We write today in response to minor variance application 22-01, at Island 1174, also known as the Morley property.

Given that this property is entirely within an area of high archaeological potential, and in close proximity of nastawgan (historical portages and canoe routes), we would recommend waiting until the results of a phase two archaeological assessment have been submitted before a decision is made.

Based on the nature of this application, we believe that a scoped archaeological assessment may be appropriate for the work which is intended here. A scoped assessment could examine solely the areas in which soil disturbance is intended. In order to fully assess the necessary level of archaeological assessment, further construction details would be required. Please let us know if you have any questions about our recommendation.

In closing, please provide us with all planning reports and the final decision for this property.

Regards,

**Victoria Winsor | GIS Lands Technician**

[landstech@temagamifirstnation.ca](mailto:landstech@temagamifirstnation.ca)

1-705-237-8943 ext. 210

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**LANDS AND RESOURCES**

705.237.8943 ext.201

[lands@temagamifirstnation.ca](mailto:lands@temagamifirstnation.ca) | [www.temagamifirstnation.ca](http://www.temagamifirstnation.ca)



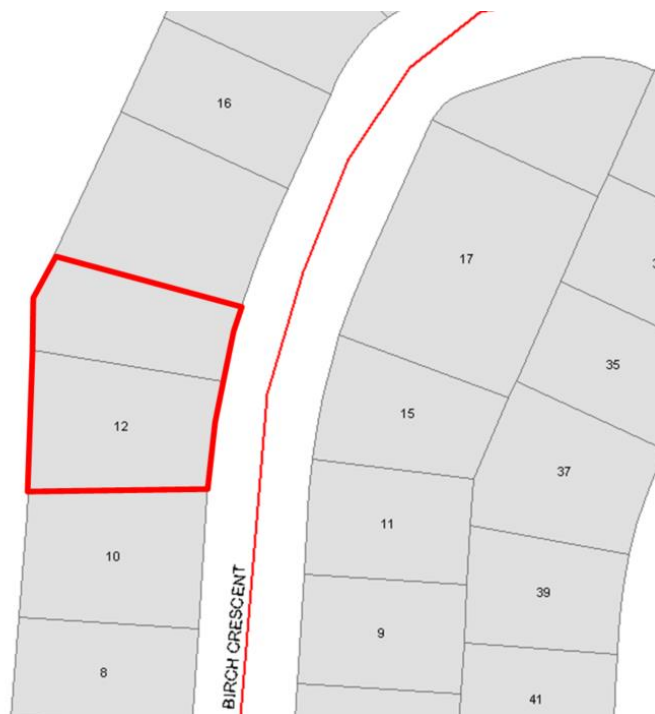
MUNICIPALITY OF TEMAGAMI			
Report Prepared For:	Suzie Fournier, Municipal Clerk	Application Number:	C 22-01
Report Prepared By:	Jamie Robinson, BES, MCIP, RPP and Patrick Townes, BA, BEd	Applicants:	Bruce Cranfield
Location:	12 Birch Crescent	Owners:	Same as Applicant
Report Date:	May 26, 2022	Application Type:	Consent

#### A. PROPOSAL/BACKGROUND

A Consent application has been submitted by the owners of the subject property, located at 12 Birch Crescent. The owner of the subject property is Bruce Cranfield.

The subject property is located within the Urban Neighbourhood (Temagami North) and is designated as Residential in the Official Plan. The subject property is located within the Low Density Residential (RL) Zone in the Zoning By-law. The subject property is outlined on Figure 1.

Figure 1: Subject Property



The subject property has a lot area of approximately 1,550 square metres (0.38 acres) and a lot frontage of approximately 37 metres on Birch Crescent. Surrounding land uses include low

density residential and forested lands. There are no environmental features identified on the subject property or within 120 metres of the subject lands.

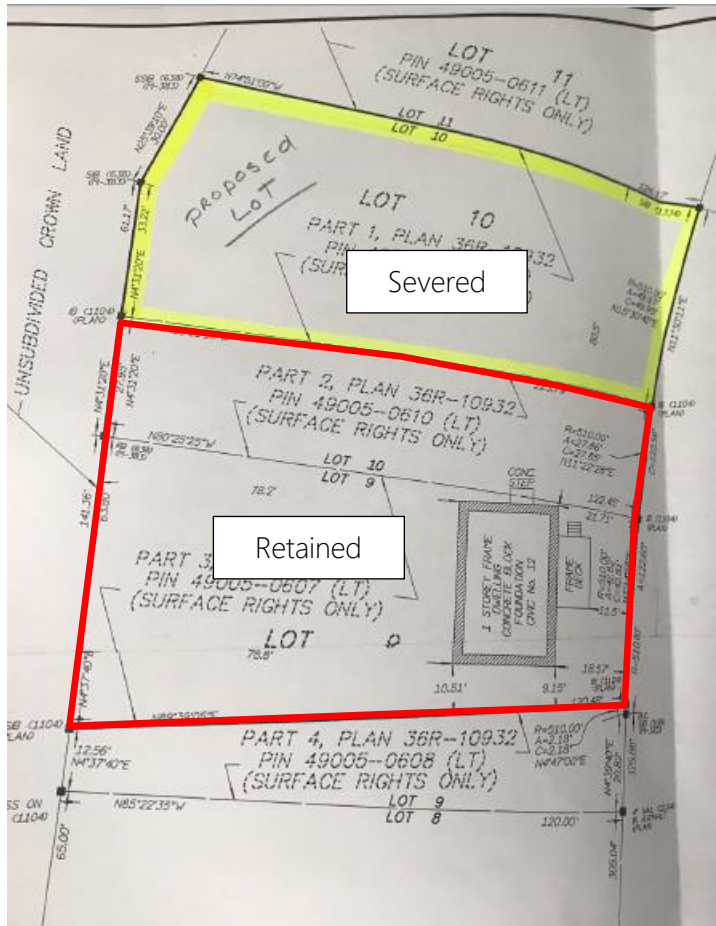
The subject property is currently developed with a dwelling and is serviced by both municipal sewer and water services.

## **B. PROPOSED CONSENT**

The purpose of the Consent application is to separate two lots that were previously merged on title and cannot be conveyed separately due to Section 50(3) of the Planning Act. The application is to create one (1) new lot on the subject property, for a total of two lots. The proposed new lot is outlined in yellow on Figure 1 (Severed Lot) and the Retained Lot is outlined in red in Figure 2.

The retained lot is approximately 891 square metres in lot area and has a lot frontage of 21 metres on Birch Crescent. The severed lot is approximately 673 square metres in lot area and has a lot frontage of 15 metres on Birch Crescent.

Figure 2: Site Sketch Provided by Applicant



#### C. COMMENTS RECEIVED

There has been one comment received from a neighbour, who is in favour of the proposed application.

#### D. POLICY AND REGULATORY CONSIDERATIONS

The following is a review of the relevant policy and regulatory considerations that pertain to the proposed Consent application.

#### Provincial Policy Statement

The Provincial Policy Statement (PPS) was approved by the Ministry of Municipal Affairs and Housing on May 1, 2020, and is applicable to the subject lands. The subject property is located within the Urban Neighbourhood (Temagami North) which is a Settlement Area in the Municipality of Temagami Official Plan. In accordance with Section 1.1.3.1 of the PPS, Settlement Areas shall be the focus of growth and development.

Section 1.6.4.2 of the PPS contains policies that note municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Both the retained and severed lot are to be serviced by municipal sewage and water services.

Section 2 of the PPS includes policies to protect natural heritage features. The Official Plan does not identify any significant natural heritage features or areas on the subject property or within adjacent lands.

Section 3.1 of the PPS includes policies regarding natural hazards and the protection of new development. There are no known hazards on the subject lands.

The subject property is not located within an area identified for archaeological potential, and it is located within a Settlement Area and an existing subdivision. No archaeological assessment is required.

The proposed Consent is consistent with the PPS.

#### **Municipality of Temagami Official Plan**

The subject property is located within the Urban Neighbourhood (Temagami North) and designated as Residential in the Official Plan. Permitted uses in the Urban Neighbourhood include a broad range of residential, commercial, industrial, institutional and community uses to meet the needs of existing and future residents and visitors.

Section 2.9 of the Official Plan contains services and utilities policies. The subject property contains existing development on the retained lot. Both the retained and severed lot have available municipal sewage and water services.

Policies regarding natural heritage features and areas are included in Section 9.7.4 of the Official Plan. The Official Plan does not identify any natural heritage features or areas on the subject property or within adjacent lands.

Policies addressing Consents to sever patented land are found in Section 9.7.1 of the Official Plan. Table 1 provides a summary of how the application conforms to these policies.

Table 1: Official Plan Review of Section 9.7.1

Policy 9.7.1 Consents to Sever Patented Land	Does the Application Conform?
The intended use of the Severed and Retained parcels conform with the intent and policies of this plan	Yes - residential uses are permitted on the subject property.
Generally the number of lots created does not exceed three	Yes - the application is proposing to create one new lot.
A Registered Plan of Subdivision is not required	Yes - A Plan of Subdivision is not required.
The size and dimensions of the Severed and Retained parcels conform to the provisions of the Zoning By-law	Yes - both the retained and severed Lots comply with the standards for the RL Zone.
The application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands;	Yes – the proposed Consent to create a new lot is orderly development for the subject property.
The size and dimensions of the severed parcel and the retained parcel, are adequate to accommodate the proposed use or uses;	Yes – the lots are able to accommodate residential development.
Demonstrated ability that the dock locations are suitable by study and/or approval by the appropriate authority;	Not applicable.
Adequate access to the severed and retained parcel can be provided;	Yes - the Retained and Severed lot have frontage on and access to Birch Crescent.
The severed parcel is not within 500 metres of a known sanitary landfill site;	Not applicable.
Where central sewage and water facilities are not available, it has been established that the soil and drainage conditions on the severed and retained parcels are suitable or can be made suitable to permit the proper siting of buildings and the installation of an approved water supply and Class IV or VI sewage disposal systems;	Not applicable.
Where a water well is proposed, the well shall be established and quality and quantity standards proven prior to final consent is granted;	Not applicable.



Policy 9.7.1 Consents to Sever Patented Land	Does the Application Conform?
The applicant, when required, has provided a study or studies acceptable to the Municipality that include an inventory of all existing natural and cultural heritage features both on the site and in the water adjacent to the site, including the shoreline characteristics such as type of littoral community and physical characteristics, the anticipated impact of the development and any measures proposed to mitigate the anticipated impacts of the development on the features	Yes - based on the location of the subject property, no supporting studies are required.
The financial impacts on the Municipality have been considered.	Yes - there are no anticipated financial impacts on the Municipality.

Section 9.7.1.1 of the Official Plan includes additional policies for Consents within the Urban Neighbourhood. These policies include the following:

- *the severed and retained parcels front on and have access to a municipal road that is maintained on a year round basis;*
- *access to the severed or retained parcels shall not create, or increase, an existing traffic hazard due to limited site lines; and*
- *where the severed or retained parcel obtains its access from a provincial highway, approval of the access point shall be obtained from the Ministry of Transportation.*

The Retained and Severed Lot has frontage and access to a municipal road, no traffic hazards are anticipated, and approval from Ministry of Transportation is not required.

Based on our review, the proposed lots would satisfy and conform to the policy requirements as outlined in the Official Plan.

### Municipality of Temagami Zoning By-law

The property is located within the Low Density Residential (RL) Zone. The RL Zone permits a broad range of residential uses, including single detached dwelling, semi-detached dwelling unit, duplex dwelling, modular home, and boarding house. Table 2 provides a summary of the proposed lot configurations.

Table 2: Proposed Lot Configurations

	RL Zone	Retained Lot	Severed Lot
Lot Frontage	15 m	21 m	15 m
Lot Area	460 m <sup>2</sup>	891 m <sup>2</sup>	673 m <sup>2</sup>

The proposed retained and severed lot comply to the RL Zone standards.

**E. RECOMMENDATIONS**

It is recommended that Committee of Adjustment provisionally approve Consent Application No. C-22-01, subject to the following conditions:

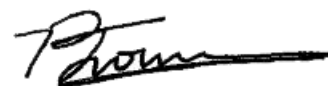
1. Preparation of a Reference Plan, in substantial compliance with the application, to the satisfaction of the Municipality.
2. That all Township fees and disbursements (legal, engineering, planning), if any incurred by the Municipality with respect to this application shall be paid for by the applicant.
3. That confirmation be provided that both the Severed Lot and Retained Lot comply to the Zoning By-law.
4. Any other standard conditions of the Municipality.

Respectfully Submitted,

MHBC Planning



Jamie Robinson, BES, MCIP, RPP  
Partner



Patrick Townes, BA, BEd  
Associate