

**GRAVENHURST COMMITTEE OF ADJUSTMENT**  
**FOR CONSENTS AND MINOR VARIANCES**

**\*\*\*\*\* A G E N D A \*\*\*\*\***

**WEDNESDAY, JULY 15, 2015**  
**at 6:00 p.m. in the**  
**Gravenhurst Municipal Office – Council Chambers**

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**GRAVENHURST COMMITTEE OF ADJUSTMENT FOR CONSENTS  
AND MINOR VARIANCES**

**WEDNESDAY, JUNE 17, 2015 - 6:00 P.M.**

**GRAVENHURST MUNICIPAL OFFICES  
COUNCIL CHAMBERS**

**M I N U T E S**

PRESENT WERE: Committee Members  
Chair Bob Colhoun  
Randy Jorgensen  
John Dowdell  
Laura Meikle  
Graeme Murray

Staff: Katie Kirton, Senior Planner and Secretary-Treasurer  
Jeremy Rand, Planner II  
Cheryl Wilson, Recording Secretary and Deputy Secretary-Treasurer

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**1. ADOPTION OF AGENDA**

Moved by John Dowdell  
Seconded by Graeme Murray

**#38 BE IT RESOLVED THAT** the Agenda as presented to the Committee of Adjustment on June 17, 2015, be adopted.

CARRIED.

**2. ADOPTION OF MINUTES**

Moved by Graeme Murray  
Seconded by John Dowdell

**#39 BE IT RESOLVED THAT** the Minutes of the Gravenhurst Committee of Adjustment meeting dated May 20, 2015, be adopted.

CARRIED.

Chair Colhoun advised that there is one Consent application and two Minor Variance Applications on the Agenda for Committee's consideration.

**3. DISCLOSURE OF PECUNIARY INTERESTS**

Committee Member John Dowdell declared a pecuniary interest to Consent Application B/08/2015/GR – Miroslaw A. KONIOR and excused himself at 6:02pm.

#### 4. APPLICATIONS FOR CONSENT

a) Application B/08/2015/GR – Miroslaw A. KONIOR

Correspondence was received from:

- The Town's Septic Inspector
- The Fire Prevention Officer; and
- The Emergency Planning Coordinator.

The Planner provided additional information relevant to the application, and recommended that the application be conditionally approved.

The Applicant was not present and no comments were received from the public.

The Committee questioned the minimum side yard setback in the Residential One (R-1) zone for a Detached Garage.

The Planner advised Committee of the regulations identified in Zoning By-law 10-04.

The Committee did not have any further questions or comments.

Moved by Laura Meikle  
Seconded by Randy Jorgensen

**#40 BE IT RESOLVED THAT** having had regard to the matters prescribed under Section 53(12) of The Planning Act, R.S.O. 1990, c.P.13, that Consent be Granted for Application No. B/08/2015/GR – Miroslaw A. KONIOR

**CONDITIONAL ON:**

- (1) A Deed and Schedule/Certificate of Consent for the severed lots be submitted to the Secretary-Treasurer, including all rights-of-ways, along with a registered (paper) copy of the reference plan.
- (2) A digital drawing file of the reference plan, compatible with AutoCad Version 13, shall be provided to the Town. A fee per lot being created be paid, in accordance with the current Fees and Services Charges By-law.
- (3) Cash-in-lieu of parkland dedication be paid to the Town of Gravenhurst in the amount of 5 percent.

**REASONS:**

The application will conform with the requirements of the Gravenhurst Zoning By-law and the Gravenhurst Official Plan and will meet the requirements of all commenting agencies.

CARRIED.

Committee Member John Dowdell returned to the meeting at 6:08pm.

**5. APPLICATIONS FOR MINOR VARIANCE**

a) Application A/12/2015/GR – Carol BLACK

Comments were received from:

- The Plans Examiner;
- The Director of Infrastructure;
- The Town's Septic Inspector;
- The Fire Prevention Officer;
- The Emergency Planning Coordinator; and
- Mary Jeanette and Glen Meschino.

The Planner provided additional information relevant to the application, and recommended that the application be approved.

The applicant was not present and no comments were received from the public.

The Committee requested additional information about the building permit that was obtained.

The Planner advised that construction beyond the permit had occurred which requires relief from the Zoning By-law prior to completing and finalizing the existing building permit.

The Committee did not have any further questions or comments.

Moved by Randy Jorgensen

Seconded by Laura Meikle

**#41 BE IT RESOLVED THAT** Application No. A/12/2015/GR – Carol BLACK, be approved and that the necessary Notice of Decision be prepared.

CARRIED.

b) Application A/13/2015/GR – Marilyn DeMARA

Correspondence was received from:

- The Plans Examiner;
- The Fire Prevention Officer; and
- The Emergency Planning Co-ordinator.

The Planner provided additional information relevant to the application, and recommended that the application be approved.

Edward Harrington, the Applicant's spouse, presented his rationale for approval of the application.

No comments were received from the public.

The Committee questioned how shoreline development is calculated.

The Planner advised Committee of the regulations identified in Zoning By-law 10-04.

The Committee did not have any further questions or comments.

Moved by Laura Meikle  
Seconded by Randy Jorgensen

**#42 BE IT RESOLVED THAT** Application No. A/13/2015/GR – Marilyn DeMARA, be approved and that the necessary Notice of Decision be prepared.

CARRIED.

**6. ADJOURNMENT**

The motion to adjourn was moved by John Dowdell and seconded by Randy Jorgensen. The meeting adjourned at 6:22 p.m.


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Bob Colhoun, Chair

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Cheryl Wilson, Deputy Secretary-Treasurer

:CW

 <p><b>GRAVENHURST</b> GATEWAY TO MUSKOKA</p>	<b>THE CORPORATION OF THE TOWN OF GRAVENHURST</b>	
	<b>To:</b>	<b>Committee of Adjustment</b>
	<b>From:</b>	<b>Jeremy Rand, Planner II</b>
	<b>Date:</b>	<b>July 15, 2015</b>
	<b>Subject:</b>	<b>A/15/2015/GR; GUARD, Estate of Elaine</b>

**RECOMMENDATIONS**

Based on the analysis contained below, Development Services staff recommends:

**THAT** Minor Variance Application A/15/2015/GR be approved.

**PURPOSE**

The purpose of this report is to provide background information and recommendations related to Minor Variance Application A/15/2015/GR.

The application was submitted in order to facilitate a Boathouse expansion. If approved, the variance would permit a Shoreline Development Area of 148.0 square metres instead of the permitted 138.0 square meters.

A location map and sketch are attached.

**PROPERTY INFORMATION**

a) Lot Dimensions:

Lot Area: 1,457.0 square metres  
Lot Frontage: 36.5 metres

b) Servicing:

Private water supply and private sewage system.

c) Access:

Privately maintained road: Pudden Road

d) Fish Habitat:

The property is located adjacent to unidentified fish habitat. This may affect the availability of a building permit for any shoreline work on the subject lands.

e) Site Inspection and Characteristics:

A site inspection was conducted on June 25, 2015 by Jeremy Rand and Katie Kirton.

The subject property contains a dwelling with Decking as well as Docking facilities. The property is mainly flat towards Lake Muskoka and contains some mature treed vegetation along with landscaped grass.

f) Surrounding Land Uses:

Surrounding land uses are residential waterfront in nature consisting of similar sized lots.

g) Shore Road Allowance:

Not applicable.

## **ANALYSIS & OPTIONS**

Staff has reviewed and analyzed the application against the following planning documentation, policies and regulations in preparing a recommendation.

### Provincial Policy Statement

The application, as submitted, is consistent with the Provincial Policy Statement.

### Official Plan Policies

The property is designated *Waterfront Area* as identified in the Town of Gravenhurst Official Plan.

More specifically, the following sections are considered to be the most notable in the review of this application.

*D 2.1 of the Plan states that new development in the Waterfront Area shall be sensitive to the preservation of tree cover and native vegetation so as to prevent erosion, siltation and possible nutrient migration and maintain the complex ecological function of the shoreline and littoral zone environment. Primary development shall be set back a minimum of 30.0 metres from the highwater mark. Site alteration and disturbance of vegetation within 20.0 metres of the shoreline shall be limited to minor alterations to accommodate access trails, marine related structures, water pumping equipment or restoration work and limited limbing of mature trees.*

*As a condition of development or redevelopment restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the lake shall be used as an example of how to regulate a disturbed shoreline.*

Given the proposed Boathouse extension is located away from shore, the development would not result in the loss of shoreline vegetation. In addition, given the minor nature of the development, staff are of the opinion that the application conforms to the intent of the Town of Gravenhurst Official Plan.

#### Zoning By-law 10-04

Current Zoning: Residential Waterfront Zone (RW-6).

The proposed variance would have the effect of permitting a Shoreline Development Area of 148.0 square metres instead of the permitted 138.0 square metres.

#### **CONSULTATION**

The subject property has been posted. Additionally, all neighbouring property owners within 60.0 metres of the subject lands and appropriate agencies have been circulated for comment, as per the requirements of the Planning Act, R.S.O. 1990 as amended.

#### **COMMUNICATIONS PLAN**

Notification has been provided and a Public Hearing has been scheduled in accordance with the Planning Act, R.S.O. 1990, as amended.

#### **ATTACHMENTS**

1. Key Map
2. Schedule(s)

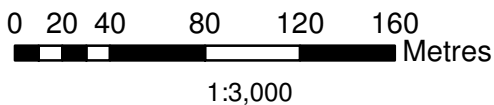
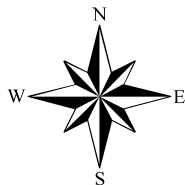
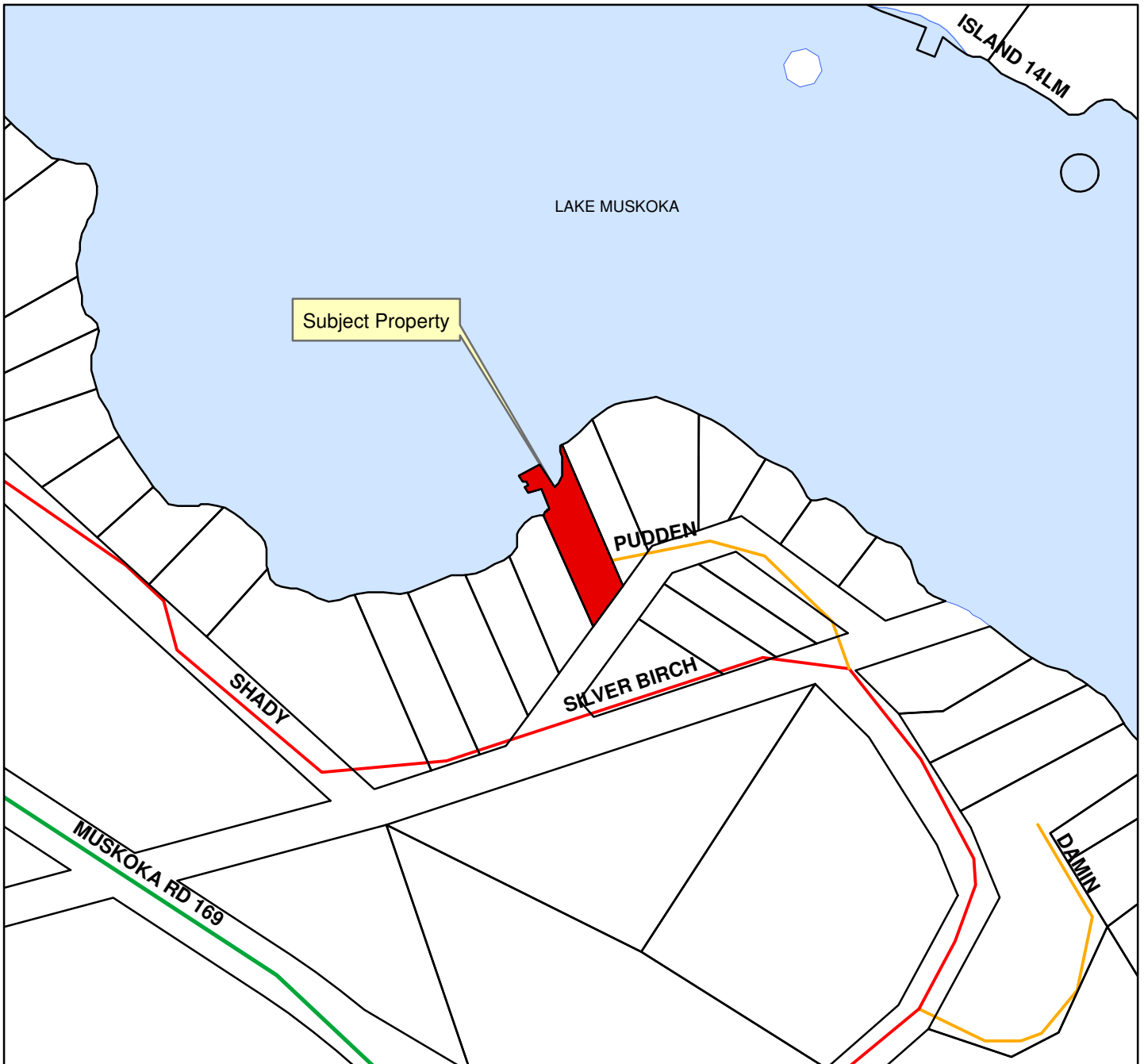
#### **RESPECTFULLY SUBMITTED BY:**

Author: Jeremy Rand, Planner II

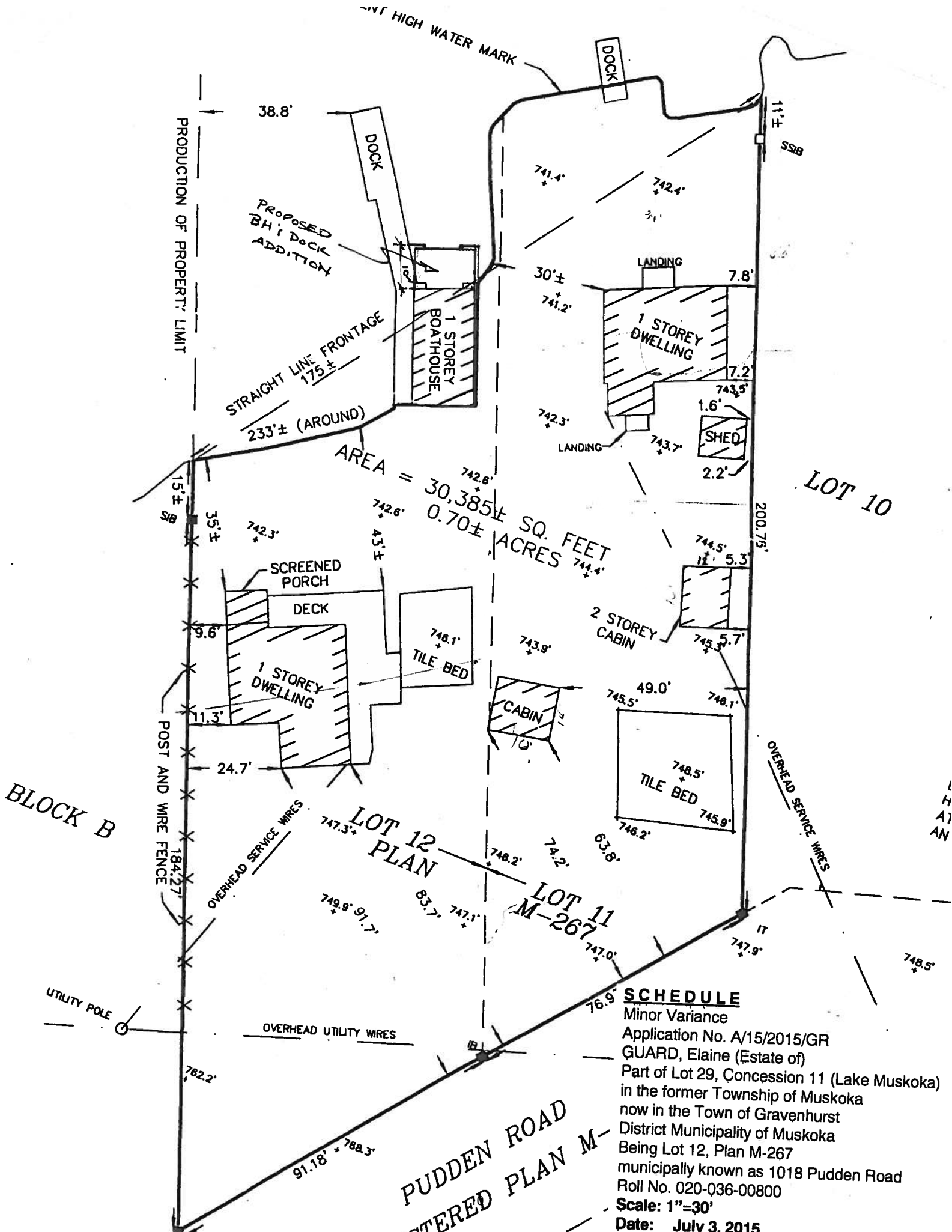
Approved by: Katie Kirton, Senior Planner


JR/KK:sf

# KEY MAP



Minor Variance Application A/15/2015/GR  
GUARD, Wayne  
Part of Lot 29, Concession 11  
in the former Township of Muskoka  
now in the Town of Gravenhurst  
District Municipality of Muskoka  
Being Lot 12, Plan M-267 (Lake Muskoka)  
Municipally known as 1018 Pudden Road  
Roll No. 020-036-00800



 <p><b>GRAVENHURST</b> GATEWAY TO MUSKOKA</p>	<b>THE CORPORATION OF THE TOWN OF GRAVENHURST</b>	
	<b>To:</b>	<b>Committee of Adjustment</b>
	<b>From:</b>	<b>Jeremy Rand, Planner II</b>
	<b>Date:</b>	<b>July 15, 2015</b>
	<b>Subject:</b>	<b>A/17/2015/GR; STOKES, Richard &amp; Lynn</b>

**RECOMMENDATIONS**

Based on the analysis contained below, Development Services staff recommends:

**THAT** Minor Variance Application A/17/2015/GR be approved.

**PURPOSE**

The purpose of this report is to provide background information and recommendations related to Minor Variance Application A/17/2015/GR.

The application was submitted in order to permit a Shed with a Side Yard of 0.9 metres instead of the required 6.0 metres.

A location map and sketch are attached.

**PROPERTY INFORMATION**

a) Lot Dimensions:

Lot Area: 0.9 hectares  
Lot Frontage: 61.5 metres

b) Servicing:

Private water supply and private sewage system.

c) Access:

Municipally maintained road: Cyril Gill Drive

d) Fish Habitat:

The property is located adjacent to an unidentified fish habitat. This may affect the availability of a building permit for any shoreline work on the subject lands.

e) Site Inspection and Characteristics:

A site inspection was conducted on June 25, 2015 by Jeremy Rand and Katie Kirton.

The property is located at the end of Cyril Gill Drive. The lot line in the vicinity of the proposed shed is well treed with a mixture of vegetation. There are two additional sheds along the lot line which have existing setbacks similar to the setback proposed by this application.

f) Surrounding Land Uses:

Surrounding land uses are residential waterfront in nature.

g) Shore Road Allowance:

Owned.

**ANALYSIS & OPTIONS**

Staff has reviewed and analyzed the application against the following planning documentation, policies and regulations in preparing a recommendation.

Provincial Policy Statement

The application, as submitted, is consistent with the Provincial Policy Statement.

Official Plan Policies

The property is designated *Waterfront Area* as identified in the Town of Gravenhurst Official Plan.

The property is located within proximity to a Provincially Significant Wetland. Section I1.4.1 of the Plan indicated that all development proposed within 120.0 metres of a Provincially Significant Wetland would require an Environmental Impact Statement. It should be noted that an Environmental Impact Statement was completed in 2012 for a development on the subject lands.

The shed is beyond the existing development and is approximately 70.0 metres from the edge of the Provincially Significant Wetland. Given the size and location of the proposed Shed and the fact that no additional vegetation will need to be removed, staff are of the opinion that the application would conform with the intent and policies of the Town of Gravenhurst Official Plan.

Zoning By-law 10-04

Current Zoning: Residential Waterfront Zone (RW-6) subject to Special Provision 907(S907).

The proposed Minor Variance would have the effect of permitting a Shed with a minimum Setback of 0.9 metres to the side lot line (east side only) in the location proposed on the plan.

### **CONSULTATION**

The subject property has been posted. Additionally, all neighbouring property owners within 60.0 metres of the subject lands and appropriate agencies have been circulated for comment, as per the requirements of the Planning Act, R.S.O. 1990 as amended.

### **COMMUNICATIONS PLAN**

Notification has been provided and a Public Hearing has been scheduled in accordance with the Planning Act, R.S.O. 1990, as amended.

### **ATTACHMENTS**

1. Key Map
2. Schedule(s)

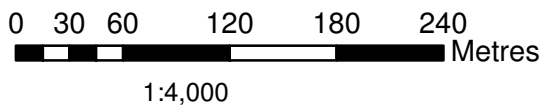
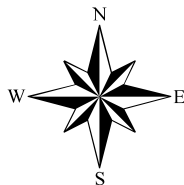
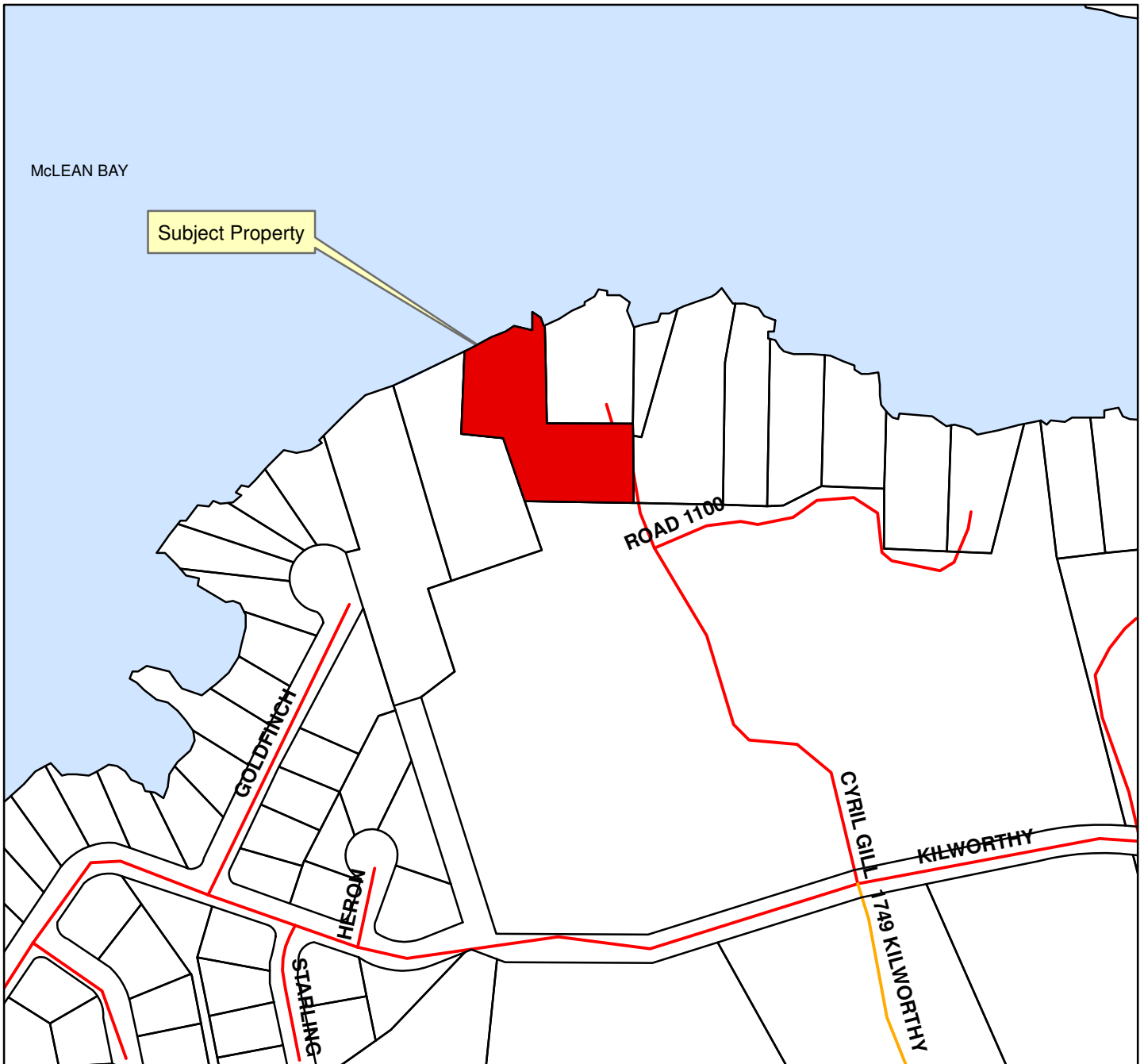
### **RESPECTFULLY SUBMITTED BY:**

Author: Jeremy Rand, Planner II

Approved by: Katie Kirton, Senior Planner

JR/KK:ws

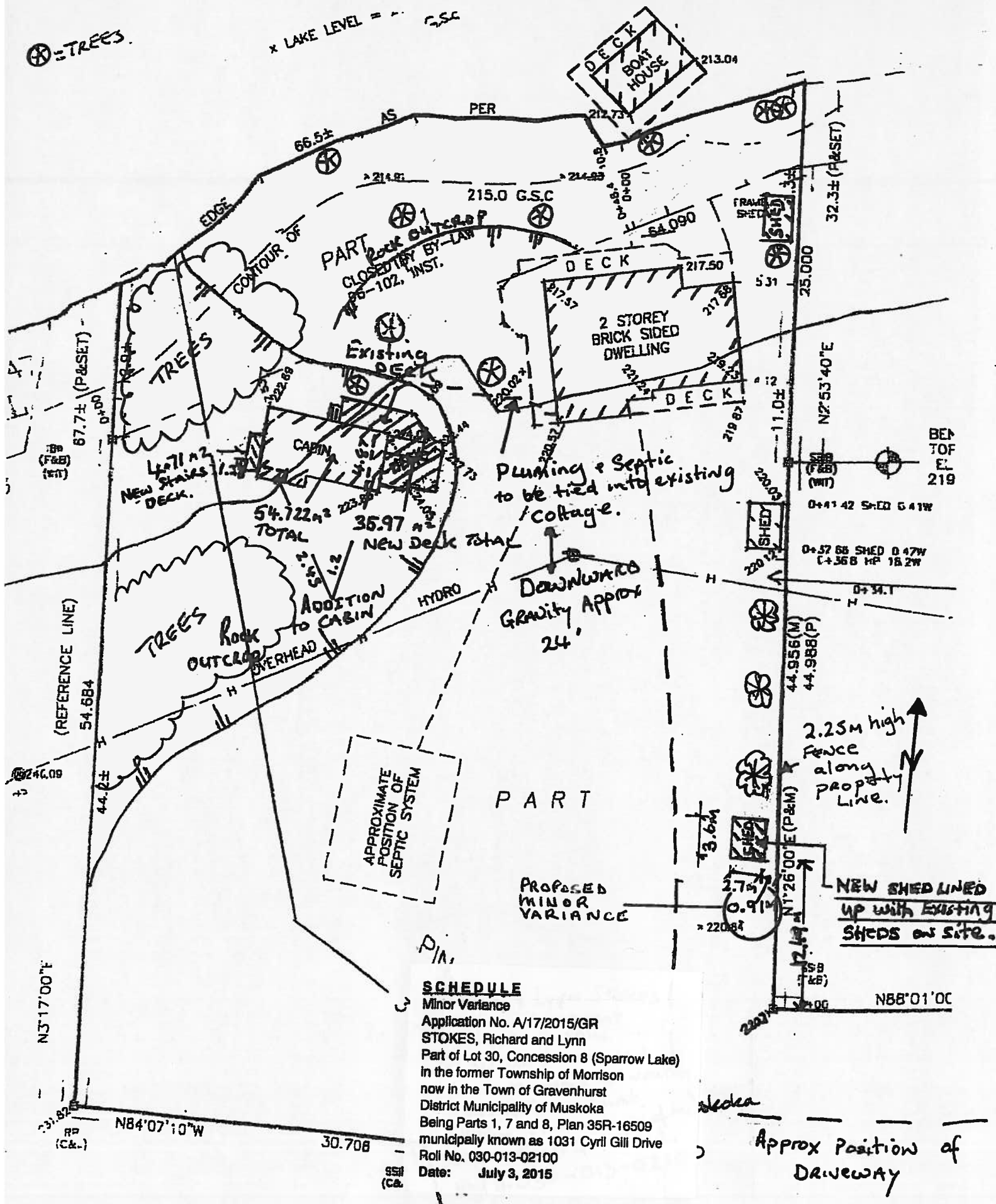
# KEY MAP



Minor Variance Application A/17/2015/GR  
STOKES, Richard and Lynn  
Part of Lot 30, Concession 8 (Sparrow Lake)  
in the former Township of Morrison  
now in the Town of Gravenhurst  
District Municipality of Muskoka  
Being Parts 1, 7 & 8, Plan 35R-16509  
Municipally known as 1031 Cyril Gill Drive  
Roll No. 030-013-02100

⊗ = TREES

x LAKE LEVEL = G.S.C




**SCHEDULE**

Minor Variance  
 Application No. A/17/2015/GR  
 STOKES, Richard and Lynn  
 Part of Lot 30, Concession 8 (Sparrow Lake)  
 in the former Township of Morrison  
 now in the Town of Gravenhurst  
 District Municipality of Muskoka  
 Being Parts 1, 7 and 8, Plan 35R-16509  
 municipally known as 1031 Cyril Gill Drive  
 Roll No. 030-013-02100  
 Date: July 3, 2015

2.25m high  
 Fence  
 along  
 property  
 Line.

**NEW SHED LINED  
 UP WITH EXISTING  
 SHEDS ON SITE.**

Approx Position of  
 Driveway

 <p><b>GRAVENHURST</b> GATEWAY TO MUSKOKA</p>	<b>THE CORPORATION OF THE TOWN OF GRAVENHURST</b>	
	<b>To:</b>	<b>Committee of Adjustment</b>
	<b>From:</b>	<b>Katie Kirton, Senior Planner</b>
	<b>Date:</b>	<b>July 15<sup>th</sup>, 2015</b>
	<b>Subject:</b>	<b>A/18/2015/GR; DRAPER &amp; APRILE</b>

**RECOMMENDATIONS**

Based on the analysis contained below, Development Services staff recommends:

**THAT** Minor Variance Application A/18/2015/GR be approved conditional upon verification of the ownership of the shoreline.

**PURPOSE**

The purpose of this report is to provide background information and recommendations related to Minor Variance Application A/18/2015/GR.

The application was submitted in order to reduce the setback from the Optimal Summer Water Level from 30.0 to 20.0 metres and to reduce the setback from a Watercourse from 30.0 metres to 13.0 metres, for a proposed Shed only. A location map and sketch are attached.

**PROPERTY INFORMATION**

a) Lot Dimensions:

Lot Area: 0.4 hectares  
Lot Frontage: 91.0 metres

b) Servicing:

Private water supply and private sewage system.

c) Access:

Water access only from a private property.

d) Fish Habitat:

The property is located adjacent to Unclassified and Type 1 fish habitat. This may affect the availability of a building permit for any shoreline work on the subject lands.

e) Site Inspection and Characteristics:

A site inspection was conducted on June 25<sup>th</sup>, 2015 by Jeremy Rand and Katie Kirton.

The subject lands are flat in the location of the existing Dwelling and rises on either side of the Dwelling. The property exhibits topographic constraints including rock out crops, steep slopes, and a stream which runs under the existing Dwelling. The lands are vegetated with a mixture of grass and other low lying vegetation and mature trees.

f) Surrounding Land Uses:

The surrounding uses are residential waterfront in nature.

g) Shore Road Allowance:

According to Plan M-378 there may be a Crown Reserve in front of the subject lands which appears to be greater than 20.0 metres in width. Staff would recommend that the applicant obtain a legal opinion on the ownership status of the Reserve or Shore Road Allowance in front of the subject lands. If the lands are owned by a public authority, the owner would be required to purchase the lands prior to the registration of a Site Plan Agreement or Building Permit being issued for buildings or structures along the shoreline.

## **ANALYSIS & OPTIONS**

Staff has reviewed and analyzed the application against the following planning documentation, policies and regulations in preparing a recommendation.

### **Provincial Policy Statement**

The application, as submitted, is consistent with the Provincial Policy Statement.

### **Official Plan Policies**

The property is designated *Waterfront Area* and *Conservation Reserve*, as identified in the Town of Gravenhurst Official Plan.

More specifically, the following Sections are considered to be the most notable in the review of this application.

#### ***D2.1 PRESERVATION OF VEGETATION***

*New development in the Waterfront Area shall be sensitive to the preservation of tree cover and native vegetation so as to prevent erosion, siltation and possible nutrient migration and maintain the complex ecological functions of the shoreline and littoral zone environment. Primary development shall be set back a minimum of 30 metres from the high water mark. Site alteration and disturbance of vegetation within 20 metres of the*

*shoreline shall be limited to minor alterations to accommodate access trails, marine related structures, water pumping equipment or restoration work and limited limbing of mature trees.*

*As a condition of development or redevelopment restoration, of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Lake shall be used as an example of how to regulate a disturbed shoreline.*

The lot is currently well vegetated with a mixture of low lying and mature vegetation. The location of the proposed Shed is on rock and therefore minimal disturbance to the existing vegetation would be required for the construction of the shed. Furthermore, the Shed would be located outside of the shoreline buffer area as it would be located a minimum of 20.0 metres from the water.

*D4.1.15 The minimum setback for all structural development (including redevelopment on existing properties) shall be 30.0 metres, measured horizontally from the high water mark. This provision does not apply to docks or boathouses or other approved shoreline structures.*

*A lesser setback may be permitted only if:*

- a) it is not physically possible, due to terrain or lot depth features, to meet the required setback, or*
- b) in the case of redevelopment of a property, the imposition of the new setback would result in a more negative impact on the property than allowing reconstruction at the existing setback.*

The proposed Shed would not be coming any closer to the lake than the existing Dwelling. Additionally, due to topographical constraints, the proposed location of the Shed would reduce the potential impacts to natural features as blasting and tree removal would not be required in this location.

#### *I1.4.2 Conservation Reserves/Areas of Natural and Scientific Interest*

*Conservation Reserves/Areas of Natural and Scientific Interest (ANSI's) are shown within the Conservation Reserve lands on Schedule B to the Official Plan. In accordance with the Provincial Policy Statement, development will be discouraged in ANSI's and on lands within 120.0 metres of an ANSI. Development may be permitted subject to the following criteria:*

- a) the undertaking of an EIS has demonstrated that there will be no significant negative impacts on the natural features and ecological functions for which the area is identified;*
- b) the development does not significantly alter the natural topography or geological features of the earth science ANSI; and,*

- c) *methods are employed to minimize the impact of the use on the values for which the site has been identified.*

Although Schedule B of the Official Plan identifies the subject lands as being located within a *Conservation Reserve*, staff have reviewed the *Natural Environment Heritage Features* background report, prepared by Meridian Planning Consultants for the 2006 Official Plan Review and the *Kahshe Lake Barrens Conservation Reserve Statement of Conservation Interest*, prepared by Meteek & Company and approved by the Ministry of Natural Resources and Forestry (MNR) in 2005, staff are of the opinion that the identification of the lands in the *Conservation Reserve* would be a mapping error. Therefore, staff have not asked for an Environmental Impact Statement, as required by the Town's Official Plan for lands within a *Conservation Reserve*.

#### Zoning By-law 10-04

Current Zoning: Residential Waterfront (RW-6F1)

The proposed Minor Variance would have the effect of reducing the setback from the Optimal Summer Water Level from the required 30.0 metres to 20.0 metres and the setback from a Watercourse from 30.0 metres to 13.0 metres for a proposed Shed only.

#### **CONSULTATION**

The subject property has been posted. Additionally, all neighbouring property owners within 60.0 metres of the subject lands and appropriate agencies have been circulated for comment, as per the requirements of the Planning Act, R.S.O. 1990 as amended.

#### **COMMUNICATIONS PLAN**

Notification has been provided and a Public Hearing has been scheduled in accordance with the Planning Act, R.S.O. 1990, as amended.

#### **ATTACHMENTS**

1. Key Map
2. Schedule(s)

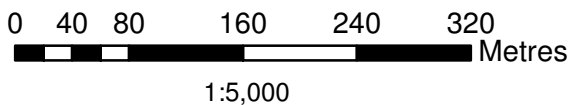
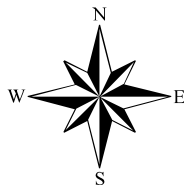
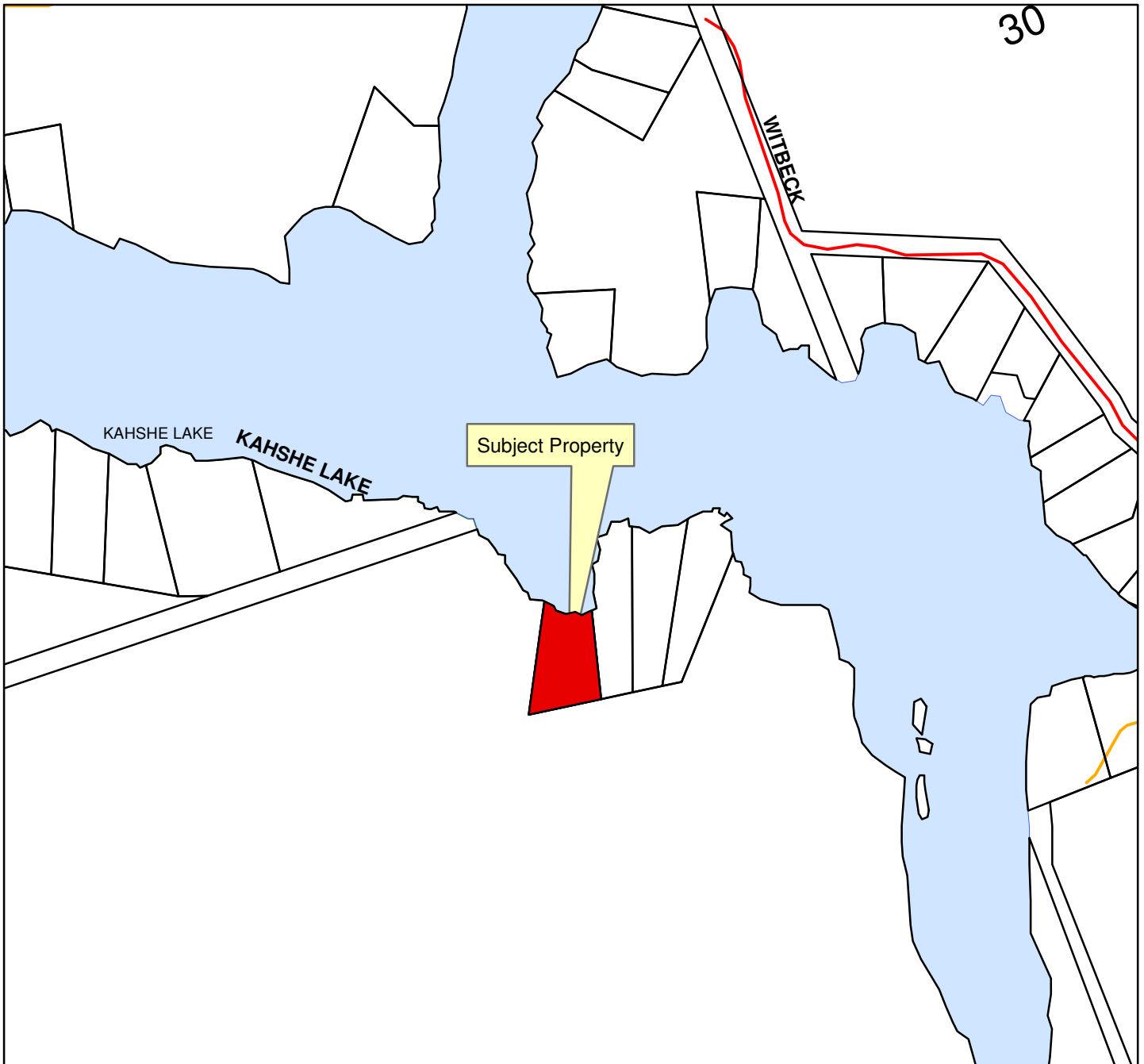
#### **RESPECTFULLY SUBMITTED BY:**

Author: Katie Kirton, Senior Planner

Approved by: Scott Lucas, Director of Development Services

KK:sf

# KEY MAP



Minor Variance Application A/18/2015/GR  
DRAPER, Gerald, DRAPER, John,  
DRAPER, Michael and APRILE, Elizabeth  
Part of Lot 1, Concession 5 (Kahshe Lake)  
in the former Township of Morrison  
now in the Town of Gravenhurst  
District Municipality of Muskoka  
Being Lot 8, Plan M-378  
Municipally known as 3060 Kahshe Lake  
Roll No. 030-019-06000

1:400

**SCHEDULE**

Minor Variance

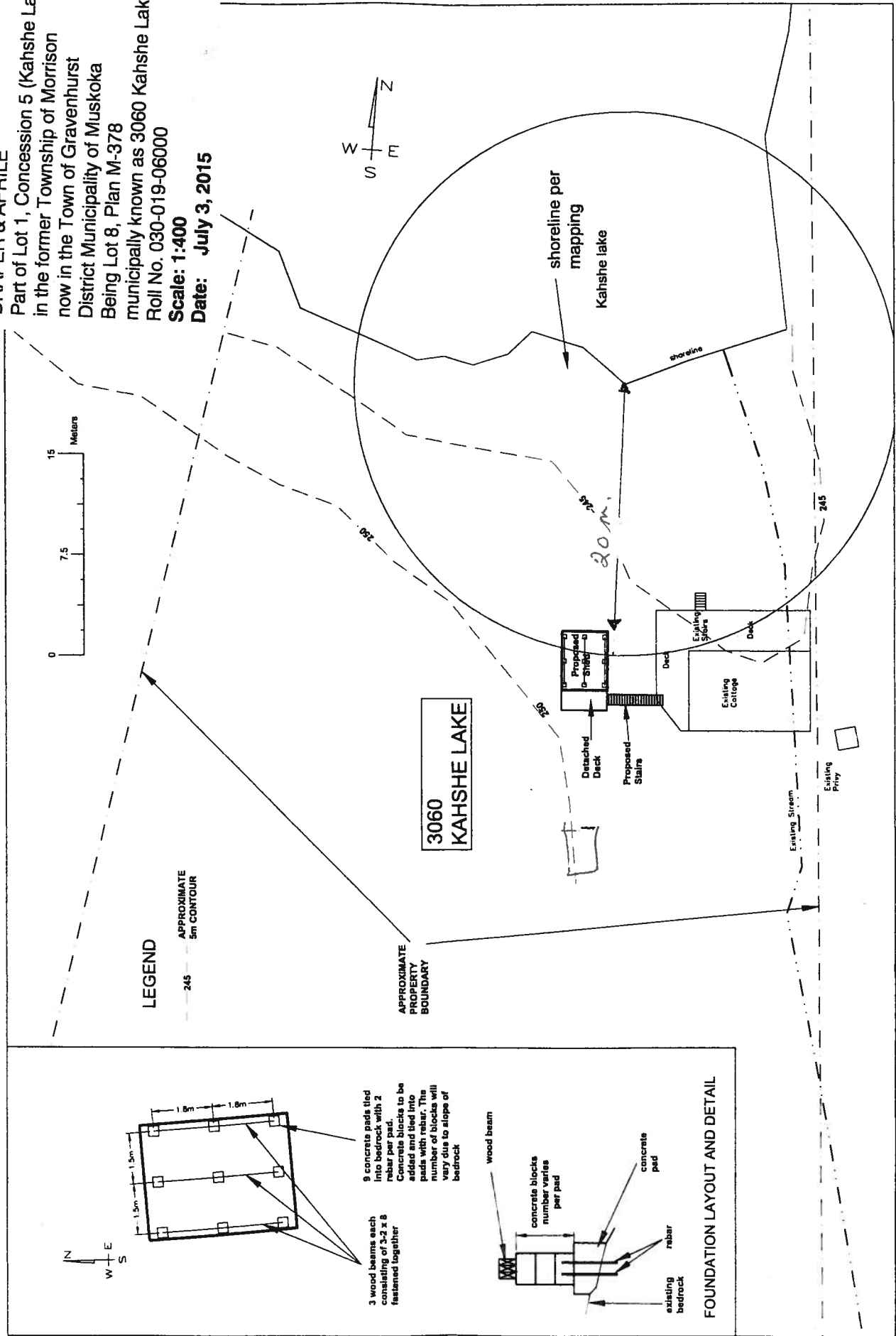
Application No. A/18/2015/GR

DRAPER & APRILE

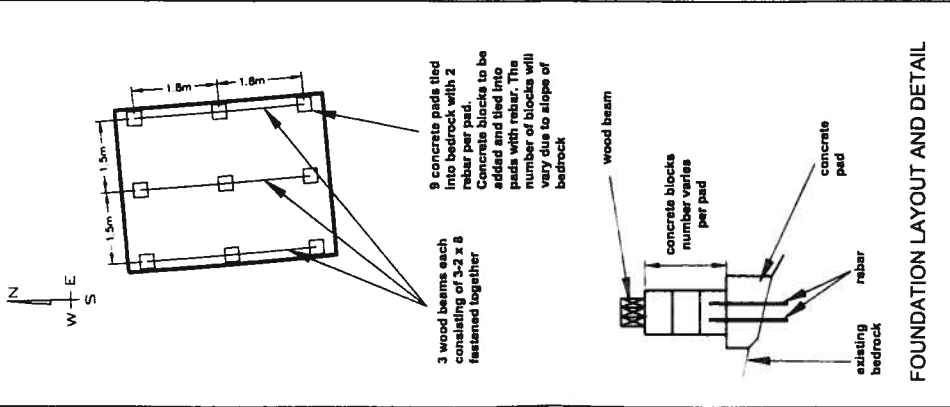
Part of Lot 1, Concession 5 (Kahshe Lake) in the former Township of Morrison now in the Town of Gravenhurst District Municipality of Muskoka Being Lot 8, Plan M-378 municipally known as 3060 Kahshe Lake Roll No. 030-019-06000

Scale: 1:400

Date: July 3, 2015



EXISTING COTTAGE 18' x 28'  
PROPOSED SHED 12' x 16'



FOUNDATION LAYOUT AND DETAIL