

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

FRIDAY, SEPTEMBER 17, 2021 - 9:00 A.M.

VIA ZOOM

M I N U T E S

PRESENT WERE: Committee Members
Chair Graeme Murray
Jo Morphy
Randy Jorgensen
Suzanne Keith
Laura Meikle

Staff: Angela Ghikadis, Planner
Susan Flemming, Deputy Secretary-Treasurer
Cheryl Wilson, Deputy Secretary-Treasurer
Melissa Halford, Manager of Planning Services and Secretary-Treasurer
Jamie Robinson, Planner, MHBC
Jonathan Pauk, Planner, MHBC

1. CALL TO ORDER

9:00a.m.

2. ADOPTION OF AGENDA

Moved by Randy Jorgensen
Seconded by Laura Meikle

#54 BE IT RESOLVED THAT the Agenda as presented to the Committee of Adjustment on September 17, 2021, be adopted.

CARRIED.

3. ADOPTION OF MINUTES

Moved by Jo Morphy
Seconded by Suzanne Keith

#55 BE IT RESOLVED THAT the Minutes of the Gravenhurst Committee of Adjustment meeting dated August 20, 2020, be adopted.

CARRIED.

The Chair advised that there is one (1) Consent under Unfinished Business and five (5) Minor Variances on the Agenda for Committee's consideration.

4. DISCLOSURE OF PECUNIARY INTERESTS

Member Jo Morphy declared a pecuniary interest for Minor Variance Application A/27/2021/GR for CSTC Inc.

5. UNFINISHED BUSINESS

a) Application B/20/2020/GR – Richard McCANN

Correspondence was received from:

- The Town's Plans Examiner;
- Infrastructure;
- The Town's Treasurer;
- The Town's Septic Inspector;
- The Town's Deputy Fire Chief;
- District of Muskoka;
- Hydro One Networks;
- TransCanada Pipeline;
- Ministry of Transportation;
- Richard Corcelli.

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

The Applicant, Richard McCann (1038 Cowbell Lane, Severn Bridge, ON P0E 1N0) was present and available for questions.

No comments were received from the public.

Discussion ensued between Committee and Staff regarding the timeline of the road upgrades in response to comments received from a landowner. Staff outlined the process necessary to upgrade the privately maintained portion of Davis Drive to the required standards of the Municipality and confirmed approval by a professional engineer.

Mr. McCann further advised that the portion of Davis Drive abutting the proposed severed lot has been upgraded to the satisfaction of the Municipality.

The Committee had no further questions.

Moved Jo Morphy

Seconded by Suzanne Keith

#56 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/20/2020/GR – Richard McCANN

CONDITIONAL ON:

- (1) A Deed and/or Schedule/Certificate of Consent for the severed lot be submitted to the Secretary-Treasurer (including all rights-of-ways), along with a registered (paper) copy of the reference plan.
- (2) Digital drawing files of the reference plan, AutoCad Version 13 compatible and a PDF Version, 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 accordance with the Town's Dedication of Parkland By-law 97-49.
- (4) The applicant enters into a 51(26) agreement to be registered on title, the purpose of which is to implement the recommendations of the Environmental Impact Study completed by Riverstone Environmental Solutions dated August 2020.

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.

6. APPLICATIONS FOR MINOR VARIANCE

a) Application A/26/2021/GR – Eli and Ellen TURKIENICZ

Correspondence was received from:

- The Town's Chief Building Official;
- The Town's Director of Infrastructure;
- The Town's Treasurer;
- The Town's Septic Inspector; and
- The Town's Deputy Fire Chief.

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

The Agent, Duncan Ross (Duncan Ross Architect, 201-36 Chaffey Street, Huntsville, ON P1H 1J4) was present and available for any questions.

No comments were received from the public.

A discussion ensued between Committee and Staff regarding the Environmental Protection (EP) zoning and setback requirements. Committee requested clarification that there was no front yard setback being requested. Staff advised the applicants have the benefit of a legal non-complying setback and a variance has not been requested for the setback to the water.

Committee and Staff further discussed a future review of EP zoning and the process to have Provincially Significant Wetland areas reviewed.

The Committee had no further questions.

Moved by Jo Morphy
Seconded by Suzanne Keith

#57 BE IT RESOLVED THAT Application No. A/26/2021/GR – Eli and Ellen TURKIENICZ, be approved and that the necessary Notice of Decision be prepared.

CARRIED.

Member Morphy left the meeting.

b) Application A/27/2021/GR – CSTC Inc. (Gerry Feldman)

Correspondence was received from:

- The Town's Chief Building Official;
- The Town's Treasurer;
- The Town's Septic Inspector;
- The Town's Deputy Fire Chief;
- Samuel Nash;
- Stephen Levine; and
- Kelly Taylor

The Planner, Jamie Robinson (MHBC) provided additional information relevant to the application and recommended that the application be conditionally approved.

The Agent, John Jackson (110-70 Isabella Street, Parry Sound, ON P2A 1M6) presented his rationale for approval of the application. Mr. Jackson advised that the main reason for the lot coverage relief was for the additional uncovered decking. Mr. Jackson further identified and addressed concerns raised by a neighbouring landowner.

Member of the public, Stephen Levine (1167 Parkers Point Road, Gravenhurst, ON P1P 1R2) identified concerns related to the current configuration of these properties in relation to the common/shared waterfront area, expressing concerns with increased density, population and excessive docking and traffic.

The Applicant, Gerry Feldman (703-45 Sheppard Ave E Toronto M2M 5W9) presented his rationale for approval of the application and addressed concerns raised by Mr. Levine.

The Committee noted that the new location of the dwelling looks like an improvement and the proposed increase of lot coverage for the deck is not likely to have a negative impact on the waterfront traffic.

MHBC Staff advised that the increased lot coverage is primarily associated with the proposed deck and would not have any direct impact on increased traffic on the common waterfront / shoreline. Staff further reminded Committee that the subject property is evaluated on it's own as each of the lots in this area would be, unlike in the past prior to the lots being severed.

Committee requested clarification that there is no roof proposed over the deck.

The Applicant advised there is no roof proposed over the deck.

The Committee had no further questions.

Moved by Randy Jorgensen
Seconded by Suzanne Keith

#58 BE IT RESOLVED THAT Application No. A/27/2021/GR – CSTC Inc. (Gerry Feldman), be approved and that the necessary Notice of Decision be prepared conditional on the Owner entering into a Site Plan Agreement with the Town with respect to ensuring the existing vegetation is maintained.

CARRIED.

Member Morphy returned to the meeting.

c) Application A/28/2021/GR – Wendy, Kimberly and Scott PARRY

Correspondence was received from:

- The Town's Plans Examiner;
- The Town's Treasurer;
- The Town's Septic Inspector;
- The Town's Deputy Fire Chief;
- Stephen Fahner;
- Mary and Rob McKenzie;
- Muldrew Lakes Cottagers' Association; and
- Elizabeth Wallace.

The Planner, Jamie Robinson (MHBC) provided additional information relevant to the application and recommended that the application be conditionally approved.

The Agent, Lanny Dennis (Wayne Simpson and Associates, 3-76 King William Street, Huntsville, ON P1H 1H4) provided his rationale for approval of the application. Mr. Dennis further advised there will be trees planted and grading issues addressed, additionally any rock removal will be done carefully with detailed designs and renderings provided for approval at the site plan agreement stage. Mr. Dennis discussed concerns received relating to historical site alteration, advising the proposal is to improve and restore the property back to a natural state for everyone's enjoyment.

The Committee questioned the level of demolition that is proposed.

Mr. Dennis advised that the cottage footprint is not increasing, and that the development is proposed under the cottage with little excavation of the rock.

The Applicants, Wendy and Kim Parry (37 Irwin Drive, Barrie, ON L4N 7A6) were present and available for questions. Ms. Parry acknowledged and addressed concerns received related to the landscape of the property and advised the application being considered is for the height of the dwelling with a focus on a safe means of entrance.

Stephen Fahner (Northern Vision Planning, 109 Meadow Heights Drive, Bracebridge, ON P1L 1A4), a representative of neighbouring landowners, provided a presentation focusing on site alteration, the setback of the existing dwelling from the shoreline and proposed height, the difficulty for buffering from abutting properties, and questioned whether visual renderings are available for review and/or any proposed tree planting / landscaping plans.

Mr. Fahner expressed further concerns related to visual impact, the damage caused by site

alteration already completed and the size of the development based on the distance from the shoreline.

Mr. Fahner asked to review a revegetation plan, proposed tree cover and any information upfront confirming the extent of the blasting.

Member of the public, Elizabeth Wallace, (515 Faulken Road, Huntsville, ON P1H 1N3) provided a presentation outlining the stresses caused for them, as the neighbouring property owners, and their objection to the proposal. Ms. Wallace is concerned that the site alteration completed to date, has not been done with approvals or professional input. Ms. Wallace provided pictures from 2017 to present, identifying the decline of their shoreline after blasting was completed on the subject property. Ms. Wallace requested to review detailed architectural drawings of the proposal and a detailed landscape plan that includes restoration of their beach.

Member of the public, Stephen Donovan, (21 Strath Avenue, Toronto, ON M8X 1R1) echoed concerns from Mr. Fahner and Ms. Wallace and further asked why the Municipality has not taken further action with the unauthorized site alteration. Mr. Donovan would like a remediation plan and restoration to the neighbours beach before moving forward.

Mr. Donovan further advised that he would not have a concern with a contained small entry.

Member of the public, Rob McKenzie, (430 Inglehard Street South, Oakville, ON L6J 3J6), echoed concerns from Mr. Fahner and Ms. Wallace, advising that proper professionals need to be involved with the project moving forward. Mr. McKenzie advised that he has watched the property deteriorate over the last three years, but hopes the outcome is for Ms. Parry to enjoy her property.

Member Meikle left the meeting.

Member of the public, Ted Alley, Lake Association (PO Box 659 Gravenhurst, ON P1P 1T9), shared similar concerns as noted above and further advised several neighbouring property owners across the lake have great concern with the proposed height and distance from the shoreline. Mr. Alley expressed concerns that there is not enough space between the dwelling and the shoreline to provide substantive vegetation to buffer or minimize the impact from the water. Further, it's not just immediate neighbours, it's the lake community as well who are impacted.

Member of the public, Kate Hyland (1616 Stonehaven Drive, Mississauga, ON L5J 1E7) suggested that Committee visit the subject property, suggesting the information provided today does not accurately illustrate the concerns raised. Ms. Hyland expressed further concerns with the integrity of the septic system with the amount of excavation and disruption.

Committee acknowledges that this a complex site to develop and that there are a number of concerns in which both the applicants and the speakers today desire the same outcome, being for the property to be restored to good condition and fit within the Muldrew lake environment. Committee asked whether the roof ridge is going to change or increase as a result of the excavation.

Committee and the MHBC Planner discussed what criteria makes this minor and whether the front wall of the dwelling will be increasing in height. The Planner further understands that the rock proposed to be removed is towards the back of the building.

Committee and the MHBC Planner discussed whether the proposal will be for a two-storey dwelling rather than the one-storey existing and suggests the increase in height is to avoid lateral expansion and greater site alteration.

Committee and the Planner discussed the need for blasting or rock removal in this location, concerns with the increased height so close the water's edge, and what regulates the site alteration and approvals.

Committee expressed their concerns with the site alteration already completed and the lack of enforcement to restore the property to it's original state giving this project has been ongoing for a number of years. Committee further questioned if the rocks along the waters edge and in the water are there because of the excavation completed to date and whether Ministry of Natural Resources approvals were necessary or obtained. Committee suggested the MNRF be consulted and any blasted material (if any) be removed from the lake bed.

Staff provided a brief history of the events relating to the building permit process and provided additional information relating to the implementation of the site alteration process and steps necessary in returning the property to a natural state.

Staff further suggested the rock along the shoreline appears similar on adjacent lands and do not believe all the debris is a result of recent blasting.

Committee and Staff discussed the site plan control process and the importance of landscaping

and re-naturalization in conjunction with the construction part of the project.

The Planner suggested that a deferral would allow the applicants and their agent an opportunity to review comments and come back with a clear report as to what the requests are.

Committee further expressed their concerns with the proposed height increase and requested more detailed renderings of the project for re-consideration by Committee.

The Agent, Mr. Dennis, advised the Applicants are receptive of a deferral and will work towards an amended proposal providing a more visual representation.

The Applicant, Ms. Parry, advised Committee that the rocks in front of the cottage had nothing to do with the blasting completed to date.

Committee motioned to amend the resolution to defer a decision to allow the applicants time to review comments and consider a revised proposal.

Moved by Suzanne Keith
Seconded by Randy Jorgensen

#59 BE IT RESOLVED THAT Application No. A/28/2021/GR – Wendy, Kimberly and Scott PARRY, be deferred to allow for the Applicants to prepare a revised proposal based upon the comments received at the Committee of Adjustment meeting on September 17, 2021.

CARRIED.

d) Application A/29/2021/GR – Steve TIMPANO and Vera WRIGHT

Correspondence was received from:

- The Town's Chief Building Official;
- The Town's Director of Infrastructure;
- The Town's Treasurer; and
- The Town's Deputy Fire Chief.

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

The Applicant/Agent was not present.

No comments were received from the public.

A discussion ensued between Committee and staff regarding the proposed garage being two-storeys and the potential for visibility from the lake.

The Committee observed that the shoreline does not appear to be natural looking and asked if additional vegetation is proposed and if the property is subject to site plan control.

Staff advised that there is a registered site plan agreement on the property and based on the increased development an amendment will be necessary. The existing site plan primarily shows vegetation between the existing two dwellings.

The Committee advised they would like to see increased naturalization within 20.0 metres of the shoreline where there is an opportunity to do so. Further, committee noted this would help to protect the water quality.

Committee recommended adding a revegetation condition to the resolution.

The Committee had no further questions.

Moved by Jo Morphy
Seconded by Suzanne Keith

#60 BE IT RESOLVED THAT Application No. A/29/2021/GR – Steve TIMPANO and Vera WRIGHT, be approved and that the necessary Notice of Decision be prepared conditional upon the applicant submitting a Site Plan Agreement – Amendment including a condition for additional planting within the shoreline buffer area.

CARRIED.

e) Application A/31/2021/GR – Paul and Lisa ESTABROOKS

Correspondence was received from:

- The Town's Plans Examiner;
- The Town's Treasurer;
- The Town's Septic Inspector;
- The Town's Deputy Fire Chief;
- Muldrew Lakes Cottagers' Association; and
- Glen Huber.

The Planner, Jamie Robinson (MHBC) provided additional information relevant to the application and recommended that the application be approved.

The Agent, Patrick Cheeseman (9 Merton Road, Brampton, ON L6V 2V5) was present and available for any questions.

Member of the public, Ted Alley, Lake Association (PO Box 659 Gravenhurst, ON P1P 1T9) provided comments in support of the application.

Committee asked whether there is a bathroom proposed within the detached garage.

Mr. Cheeseman advised there is no bathroom proposed.

The Committee had no further questions.

Moved by Jo Morphy
Seconded by Randy Jorgensen

#61 BE IT RESOLVED THAT Application No. A/31/2021/GR – Paul and Lisa ESTABROOKS, be approved and that the necessary Notice of Decision be prepared.

CARRIED.

7. NEW BUSINESS

Nil.


8. ADJOURNMENT

The motion to adjourn was moved by Jo Morphy and seconded by Suzanne Keith.

The meeting adjourned at 12:47 a.m.



Graeme Murray
Chair



Cheryl Wilson
Deputy Secretary-Treasurer

:cw