

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

**FRIDAY, NOVEMBER 19, 2021 - 9:00 A.M.**

**VIA ZOOM**

**M I N U T E S**

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

Regrets: Jo Morphy

Staff: Angela Ghikadis, Planner  
Susan Flemming, Deputy Secretary-Treasurer  
Cheryl Wilson, Deputy Secretary-Treasurer  
Melissa Halford, Director of Development services and Secretary-Treasurer  
Jonathan Pauk, Planner, MHBC  
Jamie Robinson, Planner, MHBC

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**1. CALL TO ORDER**

9:00a.m.

**2. ADOPTION OF AGENDA**

Moved by Randy Jorgensen  
Seconded by Suzanne Keith

**#66 BE IT RESOLVED THAT** the Agenda as presented to the Committee of Adjustment on October 15, 2021, be adopted.

**CARRIED.**

**3. ADOPTION OF MINUTES**

Moved by Suzanne Keith  
Seconded by Laura Meikle

**#67 BE IT RESOLVED THAT** the Minutes of the Gravenhurst Committee of Adjustment meeting dated October 15, 2021, be adopted.

**CARRIED.**

The Chair advised that there are two (2) Consents and (4) Minor Variances on the Agenda for Committee's consideration.

**4. DISCLOSURE OF PECUNIARY INTERESTS**

Nil.

**5. APPLICATIONS FOR CONSENT**

a) Application B/19/20/21/2021/GR – Pollard & Breckon

Correspondence was received from:

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

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

The Agent, James Hunter, from IPS, presented his rationale for approval of the application. He explained that access is provided off Highway 11 through a common property and driveway also owned by the applicants. Mr. Hunter also described the dwellings on each property including their ages and septic systems. He described the properties as low density seasonal cottage use, noted that there is no development proposed and that this is just a boundary adjustment which will improve the lot fabric and provide better site access to the properties. He also stated that the proposal conforms with the District of Muskoka Official Plan and the waterfront policies of the Gravenhurst Official Plan.

A discussion ensued between Committee, staff and the agent about the right-of-ways. One member asked if the owner of Unit 4 would need to travel over unit 3 and how that would affect the right-of-way and if a new access to unit 4 would need to be created.

The agent explained that the applicants own the land between the subject properties and the intent is to align the driveway as close as possible to the proposed lot lines and that if changes

are needed for access that will be done. At this time there are no changes proposed to the right-of-way and the survey will indicate the exact locations of the right-of-way and he does not see any complications.

The Committee noted that a small section of part 3 goes through the unit 3 property and asked if unit 4 would need a right-of-way over unit 3 and asked staff to clarify if this application would require a new right-of-way

MHBC staff pointed out a property on the sketch that abuts both the severed and retained lots (subject to approval, each lot would have frontage on this property), which is also commonly owned. If they continue to use this access there could be an issue if a property is sold, for instance, and they would need to deal with it at that time.

The Secretary-Treasurer noted that the conditions of approval speak to any rights-of-way that may be necessary.

Moved Laura Meikle  
Seconded by Suzanne Keith

**#68 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/19/20/21/2021/GR – Pollard & Breckon.

**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-way), 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.
- (3) That the Applicant submit and obtain approval for a Zoning By-law Amendment to rezone the resulting lots:
  - a. From Rural (RU) to Residential Waterfront (RW-6)
  - b. To recognize the proposed minimum lot area of the southern lot
  - c. To recognize the proposed minimum lot frontage of the northern lot

- (4) That the proposed severed parcels be added to the abutting lands, and that Section 50(3) of the Planning Act, R.S.O. 1990, Chapter P.13, be applied to any subsequent conveyance of, or transaction involving, the parcel of land that is the subject of this consent.

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.**

b) Application B/23/2021/GR – Wayne & Phyllis Trott

Correspondence was received from:

- The Deputy Chief Building Official;
- Director of Infrastructure;
- The Town's Treasurer;
- District of Muskoka;
- Bell Canada; and,
- Kevin & Kathleen Smith.

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

The Applicant, Wayne Trott, was present for any questions.

No comments were received from the public.

A discussion ensued between the Committee and staff regarding the key map, sketch and the Committee asked the Planner to comment on the tree preservation by-law regarding this property.

The Planner advised that one of the conditions is for the District to issue an entrance permit and when this is done a tree removal permit would not be required. If any additional trees are proposed to be removed within 20.0 metres of the District Road or outside what is shown, a permit would be required for the tree cutting. The Committee also asked if a site plan is required for an entrance permit and the Planner advised that this is not a requirement. The Committee also asked staff to confirm the minimum lot size requirements under the Zoning By-law and the Planner advised that the zoning permits a lot in that location with an 11.0 metre frontage.

Moved by Randy Jorgensen  
Seconded by Suzanne Keith

**#69 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/23/2021/GR – Wayne and Phyllis Trott.

**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 Parkland By-law 97-49.
- (4) That the applicant obtains approval from the District of Muskoka for separate individual water and sewer service connections from the mains to the street lines.
- (5) That the applicant obtains a conditional permit from the District of Muskoka for the proposed severed and retained lots for access on to the District Road.

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/16/2021/GR – Sarah & Michael Banks

Correspondence was received from:

- The Deputy Chief Building Official;
- The Director of Infrastructure;
- The Treasurer;
- The Septic Inspector;
- The Deputy Fire Chief; and,
- Garry Smith.

The Planner, Jonathan Pauk (MHBC), provided additional information relevant to the application and recommended that the application be conditionally approved

The Agent, Joel Tanner, from Simple Design Studio, 15 Colborn Steet, Hamilton ON, L8R 2G2 presented his rationale for approval of the application. He explained that there would be no increase to the impact on overall privacy on the lake streetscape, that there is an existing boathouse and dock, and they are trying to retain all of the trees. He confirmed that they have no problem with entering into a Site Plan Agreement and are willing to submit a tree planting plan. He explained that while he understands the neighbours concern about the roof top terrace, this is allowed in the Zoning By-law.

Garry Smith advised that he has an objection to the replacement of the boathouse, since it will be a loss of privacy and change of view and will result in the gathering of friends and family on the terrace. He advised that he objects to the Muskoka room addition only if the existing trees between the dwelling Muskoka room and boat dock are not retained.

The Committee asked the Planner if vegetation will be retained and increased through the site plan agreement and the Planner and agent confirmed that it would. The Committee also inquired if it would be possible to re-locate the boathouse on the south side. The agent advised that the proposed design would have less of an impact to all three neighbours affected.

The Committee commented on the large size of the existing boathouse and shed. The agent advised that the shed would be removed and the old boathouse and the proposed will be further away from Mr. Smith's property and closer to the shoreline.

Moved by Laura Meikle  
Seconded by Randy Jorgensen

**#70 BE IT RESOLVED THAT** Application No. A/16/2021/GR – Sarah & Michael Banks, be approved and that the necessary Notice of Decision be prepared conditional upon the applicants entering into a Site Plan Agreement with the Town to preserve existing vegetation between the dwelling and the shoreline to maintain the natural character of the shoreline.

**CARRIED.**

b) Application A/33/2021/GR – David & Kelly Borne

Correspondence was received from:

- The Chief Building Official;

- The Treasurer;
- The Director of Infrastructure
- The Septic Inspector;
- The Deputy Fire Chief;
- Michael & Nancy MacDougall; and,
- Walter Flanagan

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

The agent, Savas Varadas from Plan Muskoka, presented his rationale for approval of the application. He explained that the Official Plan contemplates the ability to reduce the front yard setback due to topographical constraints, which on this property make it more appropriate for it to be developed at 20.0 metres from the water. He advised that retention of the large mature trees and shoreline buffer through the Site Plan Agreement will be important to mitigate the closer setback and the proposed height increase and that the building will not go over the top of the existing trees. He believes the proposal meets the four tests of a minor variance.

A discussion ensued between the Committee, staff and the owner with regard to the need to mitigate the effects of runoff through site plan control. The Owner, Kelly Borne, also answered the Committee's question about the septic system and that it should be possible to place it 30.0 metres from the water to the east of the building.

Moved by Suzanne Keith  
Seconded by Randy Jorgensen

**#71 BE IT RESOLVED THAT** Application No. A/33/2021/GR – David & Kelly Borne, be approved and that the necessary Notice of Decision be prepared conditional upon the applicants entering into a Site Plan Agreement with the Town to preserve existing vegetation between the dwelling and the shoreline to maintain the natural character of the shoreline.

**CARRIED.**

c) Application A/34/2021/GR – Draper & Aprile

Correspondence was received from:

- The Deputy Chief Building Official;
- The Septic Inspector;
- The Treasurer;
- The Deputy Fire Chief; and,

- The Kahshe Lake Ratepayers Association.

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

The Applicant, Janice Draper, was present and available for any questions.

One Committee member noted that at first view, the shed was assumed to be a sleeping cabin and asked staff to comment. The Planner advised that in 2015, a Minor Variance was approved for a shed within 20.0 metres of the water, that would prevent this structure being used as anything other than a shed and that there would need to be suitable septic facilities to permit a sleeping cabin.

The Committee also asked a septic system is not shown on the drawing. The Owner confirmed that there is only an outhouse and a composting toilet.

Moved by Laura Meikle  
Seconded by Suzanne Keith

- #72 BE IT RESOLVED THAT** Application No. A/34/2021/GR – Draper & Aprile, be approved and that the necessary Notice of Decision be prepared conditional upon the applicants being required to ensure stormwater management techniques are used to direct roof rain water away from the lake and into soak away pits.

**CARRIED.**

d) Application A/35/2021/GR – Break & Durocher

Correspondence was received from:

- The Chief Building Official;
- The Director of Infrastructure;
- The Treasurer; and
- The Deputy Fire Chief; and,
- Letter of Support signed by 15 property owners on Doe Lake Road.

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

The Agent, Zach Allison from Propeller Fine Homes, P.O. Box 476, Port Carling, P0B 1J0, advised that the proposal has the support of fifteen neighbours and that he is present to answer any questions from the Committee.



A discussion ensued between Committee and staff about the height of other barns in the area that are larger than what is now permitted. The Planner advised that a barn is exempt from height, however, this proposal is a hybrid between a barn and a garage and does not meet the definition of a barn which is why an exemption is required through this minor variance application.

The Committee had no further questions.

Moved by Suzanne Keith  
Seconded by Randy Jorgensen

**#73 BE IT RESOLVED THAT** Application No. A/35/2021/GR – Break & Durocher, 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 Suzanne Keith and seconded by Laura Meikle.

The meeting adjourned at 11:01 a.m.

  
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Graeme Murray  
Chair

  
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Susan Flemming  
Deputy Secretary-Treasurer

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