

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

June 17, 2022 - 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
Nicole Kelly, Deputy Secretary-Treasurer
Adam Ager, Manager of Planning Services and Secretary-Treasurer
Cameron McDonald, Planner

1. CALL TO ORDER

9:00 a.m.

2. ADOPTION OF AGENDA

Moved by Randy Jorgenson
Seconded by Keith

#41 BE IT RESOLVED THAT the Agenda as presented to the Committee of Adjustment on June 17, 2022, be adopted.

CARRIED.

3. ADOPTION OF MINUTES

Moved by Randy Jorgenson
Seconded by Suzanne Meikle

#42 BE IT RESOLVED THAT the Minutes of the Gravenhurst Committee of Adjustment meeting dated May 20, 2022, be adopted.

CARRIED.

The Chair advised that there are two (2) Consent Applications and five (5) Minor Variances on

the Agenda for Committee's consideration.

4. DISCLOSURE OF PECUNIARY INTEREST

None

5. APPLICATION FOR CONSENT

a) Application B/16/2022/GR - Boyes

Correspondence was received from:

- Finance
- Building
- Ontario Hydro
- Septic Inspector

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

The Agent, Graeme Huizinga of Wayne Simpson and Associates, and applicant Kevin Boyes were present and available for questions. Mr Huizinga summarized the application. Riverstone prepared an Environmental Impact Statement (EIS) for the property and identified some Environmentally Protected (EP) areas and will be zoned as such. Mr. Boyes summarized the application. He will build on the retained land.

Mr. Neil Rothenberg, (275 Whichwood Ave Toronto M6C 2T6) said that he did not have time to review the application and would like committee to defer the application. He asked about previous environmental issues at the shore and why there is a phase 2 when Mr. Boyes said that there would not be. The residents were not notified of the land swap.

Mr. Alvaro del Castillo 171 St Johns Road, Toronto, M6P 1V2 said he was not aware of the application and did not have time to review it and would like committee to defer the application due to environmental and social implications. He spoke about a comment made by Councilor Pilger in 2006 that Doe Lake is a very small lake for the application presented at that time. Mr. Alvaro questioned how the construction would be carried out for the 3 properties if trucks and materials are transported on a walkway.

The planner read a comment from the zoom chat from Judy asking for more time to review the application as she only found out about the application yesterday.

#43 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/16-24/2022/GR – Kevin Boyes conditional on:

1. A Deed and/or Schedule/Certificate of Consent for all 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. 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. The owners enter into an agreement with the District of Muskoka under Section 51(26) of the Planning Act respecting the location of wells in relation to the District Road.
4. Cash-in-lieu of parkland dedication be paid to the Town of Gravenhurst in the amount of 5% of the assessed value of the severed lots in accordance with the Town's Dedication of Parkland By-law 97-49.
5. That the proposed severed parcel in application B/18/2022/GR be added to the abutting lands to the north, 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.
6. A portion of subject lands be rezoned in accordance with the recommendations of the Scoped Environmental Impact Study prepared by RiverStone Environmental Solutions Inc. dated April 18, 2022

CARRIED.

b) Application B/25/2022/GR – Erwin

Correspondence of support was received from:

- Building Department
- Finance Department
- Elexicon
- Septic Inspector
- District of Muskoka- provided that private services are designed to provide future connection to Municipal Services and that any site alteration and development follow federal and provincial legislation as there may be species at risk in this area.

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

The applicant Mr. Larry Erwin (2517 Norton Road, Washago L0A 2B7) was available for

Mr. Wiggelsworth (44 Kelsey Ave, Scarborough) spoke on behalf of his parents. They are not in favour of the application due to property value concerns.

The Committee inquired about the public notice process, the fish habitat at the shoreline, further lot creation, and the implication if this application was deferred.

The Planner confirmed that staff met all the statutory requirements of the Planning Act in terms of notifying the public of this application which is 15 days and properties within 120 metres of the subject property were notified. He indicated that the lake association was sent the notice even though it is not a requirement of the Planning Act.

Mr. Huizinga spoke about the Type 1 and Type 2 fish habitat located at the shore and stated that any docks would be located outside of the area. The access road is not a foot path but will be a travelled legal access to the new lots. The EP is outside of the road area. Mr. Huizinga also detailed the nesting types in the area and that they have been identified and will not be disturbed. The foot path will extend to the south through being accessed from the parking area to access the Conservation area.

The Planner commented that any new lot creation other than this application would depend on the proposal. Staff can only comment on this application which meets the requirements of the zoning by-law and official plan and exceeds lot size creation requirements. The Planner also stated that if this consent application was deferred and brought back to the Committee, it would not be part of the public meeting and the public would have to request a special delegation to speak. If Planning Council denies the re-zoning of the property, the consent application would not meet the required conditions. As a condition of the consent there is a requirement for the re-zoning in order to provide enhanced environmental restrictions, therefore consent would not be granted.

Mr. Boyes asked if his contact information could be given out to anyone who has concern or questions. The Planner offered the staff to help connect the applicant the individuals.

Committee did not have any further comments or questions.

Moved Suzanne Keith
Seconded by Laura Meikle

- Building
- Infrastructure
- Finance

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

The Agent, Mr. Mahrzad Dadras and Mr. Doyle were present to address any questions from committee.

The Committee wanted to confirm the setback of the garage compared to the set back for a sleeping cabin.

The Planner confirmed that the garage was legal non-complying and in order to change the use of the garage, the Minor Variance will allow the sleeping cabin in be in compliance.

Moved by Suzanne Keith
Seconded by Randy Jorgensen

#45 BE IT RESOLVED THAT Application No A/12//2022/GR – Doyle be approved and that the necessary Notice of Decision be prepared.

CARRIED.

Application A/13/2021/GR – Smelters-Wier

Correspondence was received from:

- Building
- Infrastructure
- Finance

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

The Agent, Ian Karn, Byl-Karn Construction Ltd Huntsville was available for any questions from the Committee.

The Committee asked for confirmation regarding the road allowance and parking area.

The Planner confirmed that the existing setbacks from the road and parking area comply with zoning.

questions.

The Committee requested clarification regarding the Ministry of the Environment (MECP) condition response time. The Planner confirmed the process with the MECP and from experience, the agency does respond in a reasonable amount of time. The applicant has two years to meet the condition.

Moved Laura Meikle
Seconded by Suzanne Keith

#44 BE IT RESOLVED THAT Application No. B25/2022/GR – ERWIN be granted subject to the following conditions:

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 the amount of 5% of the assessed value of the severed lot in accordance with the Town's Dedication of Parkland By-law 97-49.

4. The subject lands be brought into conformity with the Zoning By-law by permitting a new lot to be created on private services and permitting a Dwelling to be constructed on lots without municipal water services within the water only servicing area (identified on the Servicing Schedule of Appendix "F" in Comprehensive Zoning By-law 10-04).
5. Lots 74-77 and Lots 81-83, Plan 21 be deemed not to be lots on a registered plan of subdivision.

6. The owner enters into an agreement with the District of Muskoka under Section 51(26) of the Planning Act stating that they will connect to municipal services when they become available.

7. The Ministry of Environment Conservation and Parks (MECP) be contacted regarding potential Species at Risk Habitat and that any related recommendations be implemented through the appropriate process to the satisfaction of the Secretary-Treasurer.

CARRIED.

6. APPLICATION for MINOR VARIANCES

a) Application A/12/2022/GR – Doyle

Correspondence was received from:

the application be conditionally approved.

The Applicant, Mr. del Castillo, confirmed that re-vegetation is an important part of their plan.

The Committee was concerned that the stairs shown in the picture were not part of the site plan and therefore not included in shoreline development calculation.

The Planner confirmed that the stairs were not part of the calculation and therefore proposed that the application be deferred until an accurate sketch can be used for the application.

Moved by Randy Jorgensen
Seconded by Suzanne Keith

#48 BE IT RESOLVED THAT Application No. A/15/2022/GR – Henderson & del Castillo be deferred in order for the applicant to submit a revised sketch.

DEFFERRED.

e) Application A/16/2022/GR – Glied

Correspondence was received from:

- Building
- Septic
- Infrastructure
- Finance

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

The Agent, Rian Allen, presented the application with pictures of the proposal along with a detailed sketch of re-vegetation. The applicant, Tammy Glied, was in attendance.

The Committee asked if native vegetation be a requirement of the re-vegetation plan.

The Planner confirmed that the Site Plan Control By-law requires native vegetation.

Moved by Randy Jorgensen
Seconded by Laura Meikle

Moved by Suzanne Keith
Seconded by Randy Jorgensen

#46 BE IT RESOLVED THAT Application No A/13//2022/GR – Smelters-Wier be approved and that the necessary Notice of Decision be prepared.

CARRIED.

b) Application A/14/2022/GR – Schell/Walker

Correspondence was received from:

- Building
- Finance
- 1011 Sam Cook Road-Letter of support

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

The applicant, Stephanie Walker, confirmed the application information.

The Committee asked about the tree to be removed to accommodate the garage. Staff confirmed that there is enough vegetation in that area and that vegetation is not a requirement of the approval given the large setback from the water.

Moved by Suzanne Keith
Seconded by Laura Meikle

#47 BE IT RESOLVED THAT Application No. A/14/2022/GR, Schell/Walker be approved and that the necessary Notice of Decision be prepared.

CARRIED.

c) Application A/15/2022/GR – Henderson & del Castillo

Correspondence was received from:

- Building
- Fire Chief
- Septic
- The Town's Septic Inspector;
- neighbour

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

- #49 BE IT RESOLVED THAT** Application No. A/16/2022/GR – Glied be approved with a condition to require a Site Plan Agreement that includes vegetation retention and shoreline re-vegetation provisions.

CARRIED.

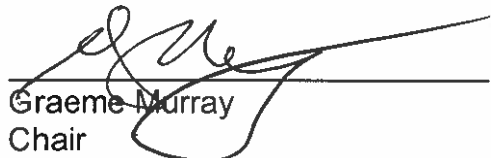
7. NEW BUSINESS

Nil.

8. ADJOURNMENT

The motion to adjourn was moved by Laura Meikle and seconded by Suzanne Keith

The meeting adjourned at 11:50 am



Graeme Murray
Chair



Nicole Kelly
Deputy Secretary-Treasurer

