



**Town of Gravenhurst - Committee of Adjustment
Agenda
October 18, 2024, at 9:00 AM**

The Committee of Adjustment proceedings are available via livestream. To view the stream, please go to gravenhurst.ca/livestream or the [Town of Gravenhurst YouTube channel](#) at the designated start time.

Agenda Item	Page No.
1. Call to Order	
2. Adoption of Agenda Recommendation: THAT the Agenda as presented to the Gravenhurst Committee of Adjustment on October 18, 2024 be adopted.	
3. Adoption of Minutes a) <u>Minutes - Committee of Adjustment - September 20, 2024</u> Recommendation: THAT the Minutes of the Gravenhurst Committee of Adjustment meeting dated September 20, 2024, be adopted.	2 - 7
4. Disclosure of Pecuniary Interest	
5. Applications for Consent a) <u>B/03/2024/GR - McIntyre</u> b) <u>B/11/2024/GR - Clipsham</u>	8 - 18 19 - 27
6. Applications for Minor Variance a) <u>A/17/2024/GR - Chevalier & Ross</u> b) <u>A/18/2024/GR - Simmons</u>	28 - 34 35 - 42
7. New Business	
8. Adjournment	

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

FRIDAY, SEPTEMBER 20, 2024 - 9:00 A.M.

MINUTES

PRESENT WERE: Committee Members
Chair Randy Jorgensen
Stephen Sims
Howard Ungerman
Erin Strength
Jeff Watson

Staff: Susan Flemming, Secretary-Treasurer & Meeting Co-ordinator
Adam Ager, Secretary-Treasurer
Angela Ghikadis, Senior Planner
Andrew Clark, Planner
Chris Sun, Student Planner

1. CALL TO ORDER

9:00 a.m.

2. ADOPTION OF AGENDA

Moved by Jeff Watson
Seconded by Erin Strength

#57 BE IT RESOLVED THAT the Agenda as presented to the Committee of Adjustment for September 20, 2024, be adopted.

CARRIED.

3. ADOPTION OF MINUTES

Moved by Stephen Sims
Seconded by Erin Strength

#58 BE IT RESOLVED THAT the Minutes of the Gravenhurst Committee of Adjustment meeting dated August 16, 2024, be adopted.

CARRIED.

The Chair advised that there is one Consent under Ongoing Business, and 1 new application on the Agenda for Committee's consideration.

4. DISCLOSURE OF PECUNIARY INTERESTS

Nil.

5. REQUESTS FOR ADJOURNMENT/DEFERRAL OR WITHDRAWAL

Nil.

6. ONGOING BUSINESS

a) Application B/08/2024/GR - Break & Durocher

Correspondence was received from:

- Cathleen MacLennan

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

The applicant was not present.

The Chair asked the Committee for a Motion to approve the certificate of cancellation.

Moved by Jeff Watson

Seconded by Stephen Sims

The Chair asked the Secretary-Treasurer to read the resolution.

The Committee did not have any questions.

#59 BE IT RESOLVED THAT having had regard to the matters under Section 53(45) of The Planning Act, R.S.O. 1990 c.P.13, that Application B/08/2024/GR (Break & Durocher) be approved and that **THAT** Committee of Adjustment approve the issuance of a Cancellation Certificate for the severed lot in B/17/2018/GR.

CARRIED

7. APPLICATION FOR CONSENT

a) Application A/09/10/2024/GR – 2836924 Ontario Inc.

Correspondence was received from:

- The Chief Building Official

- The Infrastructure Technologist
- The Deputy Treasurer
- The Deputy Fire Chief
- The District of Muskoka
- Robert Charendoff
- Linda and Andrew Palin
- Linda McNeil
- David & Susan Harris
- Bruce King
- Anna Richter and Bill Powell
- Garry Punchard

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

The agent, Savas Varadas, Plan Muskoka, advised that there are concerns with regard to clear cutting and character of the area, however, these lots are significantly larger than the nearby waterfront lots and there is an expectation that any development would remain in character with the area. Mr. Varadas also noted that a lot of the concerns will be addressed by the proposed conditions of approval, including limitations on tree cutting, a drainage plan, and entrance locations. The agent also explained that the middle lot requires an exemption due to the way frontage is measured.

The applicant, Matthew Baldassarro, advised that he has read the comments and concerns and does not have anything to add to what has already been covered.

John Morgan, 1310 Brydon's Bay Road, stated that the request for a zone change and a severance into three lots will change the character of the area and degrade the environment. It was suggested that if the application is approved, there should be a condition that short term rentals are not permitted. There was also a concern noted that de-forestation of this property could cause drainage issues.

Gary Fenton, 1063 Old Portage Road, noted general concerns regarding deforestation and the many cottages being built that are not maintaining the character of the area.

Al Ward, at 1264, 1268, 1270 and 1274 Brydon's Bay Road, had concerns about the entrances, possible water run-off and short-term rentals.

Gary Punchard, 1286 Brydon's Bay Road, advised that his biggest concern is that the three lots might be severed again into other lots.

The Planner addressed these concerns and noted that run-off would need to be appropriately managed on the property, lot coverage would be limited to 5% of the area and that the recommended conditions include measures to preserve the natural features. Comments from Infrastructure have addressed the drainage issues, which is why grading plans have been added to the recommended conditions. With regard to future severances, the proposed lots are already at the minimum frontage and area requirements, and staff would be unlikely to support any future proposed severances.

Robert Charendoff expressed his concerns regarding proposed short-term rentals, possible environmental impacts, and hawk and owl nests in the vicinity that will be harmed or destroyed.

Brian Punchard, 1282 Brydon's bay Road, posed a question regarding the 5% permitted lot coverage and the size of cottage that could be constructed. The Planner advised that the 5% lot coverage would take into account all structures on the property.

Catherine Jacobson, 1058 Old Portage Road, advised that large trucks on the road and the amount of blasting is concerning. She also asked why the lot needs to be severed if a family compound is proposed. The Planner advised that the Residential Backlot Zoning of the property only permits one dwelling per lot in the waterfront area under the Official Plan and Zoning By-law.

The Chair asked the Committee for a Motion to approve the application.

Moved by Howard Ungerman
Seconded by Stephen Sims

The Chair asked the Secretary-Treasurer to read the resolution.

The Committee thanked the community for their comments and had questions about drainage and the grading plan. The Planner responded that the grading condition relates directly to the development of the lands to ensure that storm water does not move onto the road and that the plans would be prepared by professionals. In response to a comment from Committee regarding future ownership of the property, the Planner advised that the grading plan would be imposed through a consent agreement, which is a legal document registered on title that would

carry through with the sale of the lands.

The Planning Consultant advised that the existing lot already has a 5% lot coverage allowance and by dividing it into three, the Town would not be allowing more lot coverage. Currently, 5% lot coverage could occur without the need for a consent.

The Committee questioned what the Town would be prepared to do to fix the drainage problems in this area. The Planner advised that this is out of the purview of this application, and that management of storm water is typically done through a building permit application, and that it's difficult to speak to future Infrastructure plans.

The Manager of Planning Services also noted that based on their comments, the Infrastructure Department is aware of the situation and that staff have incorporated mitigation measures to the best of their abilities in the proposed conditions. Broader plans for the roads in this area is not something that can be done through this application.

The Committee notes that there is some benefit to the severance application, since the Town now has some type of control and can impose conditions which may remedy some of these problems to the benefit of the neighbours.

John Morgan made some further comments about drainage and how it affects the driveway and roadway.

Robert Charendoff noted that he was skeptical about the capability and control of keeping the run-off on the existing property and asked how the neighbouring properties would be affected.

The Committee noted that the Infrastructure Department would address the approval of the entrances.

The Committee asked the Planner whether this application would have required Committee of Adjustment approval if the frontage exemption was not required.

The Planner replied that if the retained lot satisfied the frontage, it could have been delegated for approval, however neighbouring property owners are still circulated. Therefore, in accordance with the Delegated Consent By-law, this application would still have needed Committee approval, due to the letter of concerns that were received.

#60 BE IT RESOLVED THAT application No. B/09/10/2024/GR (2836924 Ontario Inc.) be granted and that the necessary Notice of Decision be prepared, conditional upon:

- (1) A Deed and/or 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) 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 vacant lots in accordance with By-law 97-49.
- (4) The subject lands be brought into conformity with the Zoning By-law by means of the retained lands being zoned to recognize their resultant frontage.
- (5) The applicant will enter into a Consent Agreement with the Town of Gravenhurst in order to require the preparation of a Grading Plan prior to the development of each property to the satisfaction of the Director of Infrastructure Services, and to require the preservation of existing natural features, including trees, on the properties outside of approved development locations.

CARRIED.

7. NEW BUSINESS

Nil.


8. ADJOURNMENT

The motion to adjourn was moved by Jeff Watson and seconded by Stephen Sims.

The meeting adjourned at 10:33 a.m.

Randy Jorgensen
Chair

Susan Flemming
Secretary-Treasurer

	THE CORPORATION OF THE TOWN OF GRAVENHURST	
	To:	Committee of Adjustment
	From:	Andrew Clark, Planner
	Date:	October 18, 2024
	Subject:	B/03/2024 GR; McIntyre, Graham, 1031 Rockcastle Road

RECOMMENDATIONS

Based on the analysis contained below, Planning Division staff recommends:

THAT consent be granted, provided that the requirements of the following conditions are satisfied:

- (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 By-law 97-49.
- (4) The subject lands be brought into conformity with the Zoning By-law by means of the retained lands being zoned Residential Backlot (RB-7) and to permit the resultant frontage on Rockcastle Road.
- (5) The severed lands are rezoned to implement the following:
 - a. Prohibit development at the peak of the bedrock outcrop, in accordance with the recommendations of the Site Evaluation Report prepared by Zygoptera Consulting dated August 1, 2024.
 - b. Require a natural Shoreline Buffer to be maintained within 30.0 metres of the Optimal Summer Water Level, in accordance with the recommendations of the Site Evaluation Report prepared by Zygoptera Consulting dated August 1, 2024.
 - c. Prohibit habitable buildings within the flood plain, including the Flood Fringe (FF), in accordance with Section I6.8.1 (d) of the Town of Gravenhurst Official Plan.

PURPOSE

The purpose of this report is to provide background information and recommendations related to Consent Application B/03/2024/GR.

The application proposes to create one new residential waterfront lot and to retain one residential backlot, as shown on the attached Schedule. Two lots would be created as a result of the application. The application also proposes to establish a right-of-way across the retained lands to access the proposed severed lands from Rockcastle Road.

The application has been submitted concurrently with Zoning By-law Amendment application ZA 10-2024. The proposed amending By-law would rezone the retained lot to Residential Backlot (RB-7), while maintaining the existing Environmental Protection (EP) zoning. It would also add a Special Provision to the retained lot in order to permit a frontage of 20.9 metres on Rockcastle Road, where 150.0 metres is required. The application will be considered at the October 22, 2024 Planning Council meeting.

A location map and Schedule are attached.

PROPERTY INFORMATION

a) Lot Dimensions:

	<u>Lot Area</u>	<u>Lot Frontage</u>
Retained Lot:	+/- 8.2 ha.	+/- 20.9 metres
Severed Lot (B/03/2024):	+/- 1.0 ha	+/- 94.5 metres

b) Servicing:

Private water supply and private sewage system.

c) Access:

Municipally maintained road: Rockcastle Road

d) Fish Habitat:

The property is located adjacent to unassessed fish habitat, which is to be treated as significant. Any shoreline work on the subject lands must comply with applicable Federal and Provincial requirements for a Building Permit to be issued.

e) Site Inspection and Characteristics:

A site inspection was conducted on October 1st, 2024 by Andrew Clark, Adam Ager, and Matt Wale.

The proposed severed lot is vacant, consisting of a trailer and some derelict vehicles. The lot is proposed to have frontage on the Severn River. The shoreline area of the property consists of flood-prone lands which were occupied by a mix of trees and low-lying grassy and scrubby vegetation. These lands appeared well-delineated on site and were consistent with available flood line mapping. The western portion of the property is occupied by noticeable rock outcropping and mature trees. The steepest and highest rock outcrop feature was noted on the northwest corner of the proposed parcel, and was found to be approximately 7 metres higher than the base elevation of the property. This feature consists of moderate and steep slopes, but is relatively flat at its peak. The remainder of the property is relatively flat, sloping downwards towards the water. A developable area did appear to be present that was outside of the existing steep bedrock slopes and floodplain lands that was consistent with the provided site plan and Site Evaluation Report.

The proposed retained parcel has frontage on Rockcastle Road and Graham Road, and is accessed from the former. It is developed with a detached Dwelling located behind the location of the proposed severed lot along with an accessory shed/workshop in the central area of the property. The property contains an existing driveway which acts as a private road access for existing waterfront parcels to the south and travels from Rockcastle Road to the existing development footprint to the east. The developed area of the property is relatively flat and the remainder of the lands is occupied by dense vegetation. A wetland feature has been mapped on the north side of the property, which was not visible from the existing developed area.

f) Surrounding Land Uses:

The property is within an existing rural and residential waterfront area that consist of lands developed with detached Dwellings and accessory structures. Several existing residential waterfront lots exist to the west of the proposed severed lot which are similarly sized in terms of area and generally contain smaller frontages. Smaller waterfront parcels also exist further west and south, which consist of lands in Severn Township. Larger residential backlot and rural properties were also noted to the north, west, and east of the subject lands.

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

For the purposes of the Provincial Policy Statement (PPS 2020), the subject property is within a Rural Area. Sections 1.1.4 and 1.1.5 describe how Rural Areas are important to the economic success of the Province and our quality of life, promote development that is compatible with the rural landscape and can be sustained by rural servicing levels, and confirm that permitted uses include residential development, including lot creation that is locally appropriate.

The application involves the creation of one new lot that is intended to be developed with low-density residential uses, which remains in character with existing residential uses in the surrounding area. The lot will be accessible by a navigable waterway and a year-round municipally maintained road through a proposed right-of-way, and has been deemed to be appropriately sized to facilitate development and private water and sewage systems. Staff are of the opinion that the proposal conforms to applicable lot creation policies in the Official Plan and is locally appropriate based on the technical information that has been submitted with the application.

Section 3.1 of the PPS contains policies that direct development outside of hazardous lands, including lands defined by flooding and erosion hazards. A significant portion of the subject property contains floodplain lands along its shoreline and steep bedrock slopes. The application has been supported by a Site Evaluation Report that has determined a suitable building envelope outside of flood lands and steep slopes that could result in erosion hazards. Staff are proposing that site-specific zoning is implemented on the severed parcel to require that development remains outside of the peak of an evaluated steep bedrock outcrop and outside of designated flood lands to minimize flooding and erosion hazards to any proposed development.

Staff are of the opinion that the applications, as submitted, are consistent with the Provincial Policy Statement.

Official Plan Policies

The proposed severed property is designated Waterfront Area, as identified in the Town of Gravenhurst Official Plan. Residential uses, including detached Dwellings and accessory structures are permitted within this designation.

Approximately 50% of the property consists of lands within a flood plain along the shoreline area, as identified by the Ministry of Natural Resources and Forestry (MNRF).

Available mapping information and Staff's site visit confirmed the presence of a Flood Plain area, notably lands within both a Floodway and Flood Fringe, which are shown on the attached site plan. Section I6.8.1 of the Official Plan contains development policies within Flood Plain Areas. Policies I6.8.1 (a) and (c) prohibit new habitable development within lands that are prone to flooding. The Town's Zoning By-law currently contains regulations that prohibit development within a Floodway, but that do allow for development in the Flood Fringe subject to appropriate floodproofing. It is worth noting these regulations are written to apply to existing lots. Staff are not of the opinion that this regulation is intended to apply to new lots with respect to habitable development, and are recommending that the severed lot is zoned to clarify that new habitable development (e.g., a Dwelling or Sleeping Cabin) must remain outside of any Flood Plain area, including lands that have been designated as Flood Fringe.

Available mapping information and Staff's site visit also confirmed the presence of steep slopes along the western portions of the property, particularly to the southwest where a large bedrock outcrop exists. Section I6.9 of the Official Plan contains policies to limit development and retain vegetation on moderate (20-40%) and steep slopes (40+%). Policy 16.9.1 (c) requires the preparation of a Site Evaluation Report when development is proposed on steep slopes to identify appropriate building and septic locations and construction mitigation measures and stormwater management techniques relating to slope stability and surface drainage.

With respect to the environmental constraints and policies noted above, which occupy a large portion of the property, Staff requested a Site Evaluation Report to demonstrate a suitable development envelope on the proposed lot that remains outside of erosion and flooding hazards. A Site Evaluation Report was provided that confirmed the presence of a suitable development envelope that was approximately 0.24 hectares (~2400 square metres) when considering for required lot line setbacks and that was outside of the peak of the steep bedrock outcrop and floodplain lands. The report determined that a suitable development envelope exists for a new Dwelling and septic system with considerations given to the environment and topography on the proposed property. The report also included several development mitigation measures, including:

- Prohibiting development at the peak of the bedrock outcrop, in accordance with applicable policies in the Official Plan
- Preserving native vegetation on the slopes of the bedrock to the greatest extent possible and minimizing the disturbance associated with proposed development.

- Preserving vegetation within the flood lands, specifically by maintaining a natural vegetated buffer of 30 metres between a building envelope and the regulated summer water level of the Severn River.
- Appropriately managing roof runoff through on-site interventions

As this report was requested to confirm suitable development areas on the property in accordance with aforementioned policies in the Town's Official Plan, Staff are of the opinion that is appropriate to recognize those recommendations on the proposed lot through this application and the zoning of the property. As such, Staff are recommending that the property is rezoned to restrict development on the top of the bedrock outcrop, as delineated by the Applicant's consultants and to extend the Shoreline Buffer requirements in the Town's Zoning By-law from 20 to 30 metres to mitigate erosion hazards, to preserve the natural character of the property, and to mitigate flood risks.

Section D of the Official Plan contains development policies for the Waterfront Area designation. Policy D5.1 permits a maximum of one Dwelling on separate lots and requires septic leaching beds to be at least 30 metres from any shoreline. Section D14 contains policies for new lot creation. Policy D14.2 requires new shoreline lots to have a minimum 60.0 metres of frontage on a navigable waterway and a minimum area of 0.8 hectares. Policy D14.3 requires that there is sufficient frontage on any new lot to ensure an appropriate waterfront amenity area outside of environmentally sensitive areas, and that the physical characteristics of the land enable development without significant alteration to the natural landscape, including natural bedrock outcrops and steep slopes.

The proposed lot exceeds the minimum frontage and area requirements of the Official Plan. The shoreline area does not contain sensitive environmental features but is within a floodplain. The Applicant has provided justification that an appropriate waterfront amenity area will exist due to the enhanced frontage that has been provided relative to surrounding lots and because the Zoning By-law permits for a Dock and Boathouse within flood lands and contains existing restrictions with respect to new structures. Existing zoning regulations and the conditions being recommended by Staff will ensure the shoreline will remain in a natural state while also being appropriately developed and accessible. As described above, the proposed lot is also occupied by steep slopes and bedrock outcropping. The Site Evaluation Report provided in support of this application has demonstrated a suitable development envelope exists outside of the steepest bedrock peak and identified flood lands. In accordance with the recommendations of the report, Staff are recommending that development remains outside of the peak of the identified bedrock outcrop, which will help minimize significant site disturbance. The property will also be subject to Site Plan Control, which will further regulate the location of any proposed development and the retention of natural features on the property.

Staff are of the opinion that the application meets the intent and policies of the Town of Gravenhurst Official Plan.

Zoning By-law 10-04

Current Zoning: Residential Waterfront (RW-6)

The Consent Application B/03/2024/GR meets the frontage and area requirements of Zoning By-law 10-04, as amended.

As a condition of approval, Staff have recommended the proposed severed lot to be rezoned to require the following:

- a. Prohibit development at the peak of the bedrock outcrop, in accordance with the recommendations of the Site Evaluation Report prepared by Zygotera Consulting dated August 1, 2024.
- b. Require a natural Shoreline Buffer to be maintained within 30.0 metres of the Optimal Summer Water Level, in accordance with the recommendations of the Site Evaluation Report prepared by Zygotera Consulting dated August 1, 2024.
- c. Prohibit habitable buildings within the flood plain, including the Flood Fringe (FF), in accordance with Section 16.8.1 (d) of the Town of Gravenhurst Official Plan

These regulations are based on the recommendations of the Site Evaluation Report and policies within the Town's Official Plan. Restricting the development envelope outside of the bedrock outcrop peak will ensure development does not occur directly on steep slopes and will preserve the natural character of the property. The location of this area will be regulated through Property Detail Schedule 93. Currently Section 5.23 of the Zoning By-law requires a natural shoreline buffer of 75% of the area within 20 metres of the optimal summer water level to be maintained. The proposed amendment would extend a 75% shoreline buffer requirement to the area of the property within 30.0 metres of the Optimal Summer Water Level, in accordance with the recommendations of the Site Evaluation Report. This is intended to further mitigate potential flood and erosion risks on the property and will also help preserve the proposed lot's natural character. In addition, currently Section 5.9.1.2 permits development in the Flood Fringe that is flood proofed above the identified regulatory flood level. Staff are not of the opinion that the existing regulations are intended to apply to habitable buildings on newly created lots, and therefore propose to prohibit habitable buildings in the flood lands, including the Flood Fringe. This recommendation is primarily based on applicable policies in the Official Plan that prohibit new habitable development within lands prone to flooding, and is consistent with the recommendations of the Site Evaluation Report, including the proposed development envelope being outside of identified flood lands.

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.

At the writing of this report, the following comments have been received:

- Deputy Chief Building Official – The building division is confident that the minimum size septic system and dwelling will be able to fit within the proposed building area, however it must be known to the property owners that they will be limited on what they can build (size and number of bedrooms) on the property. The property owner will likely be limited to a maximum building area and/or a maximum number of bedrooms as those are the primary considerations for a sewage system flow rates.
- Manager of Revenue/Deputy Treasurer – No objection or concern
- Infrastructure Technologist – No objection or concern.
- District Municipality of Muskoka – No objection.

ATTACHMENTS

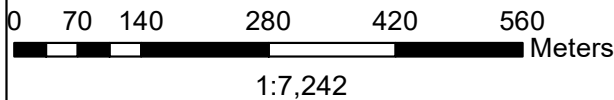
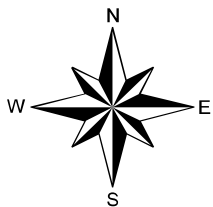
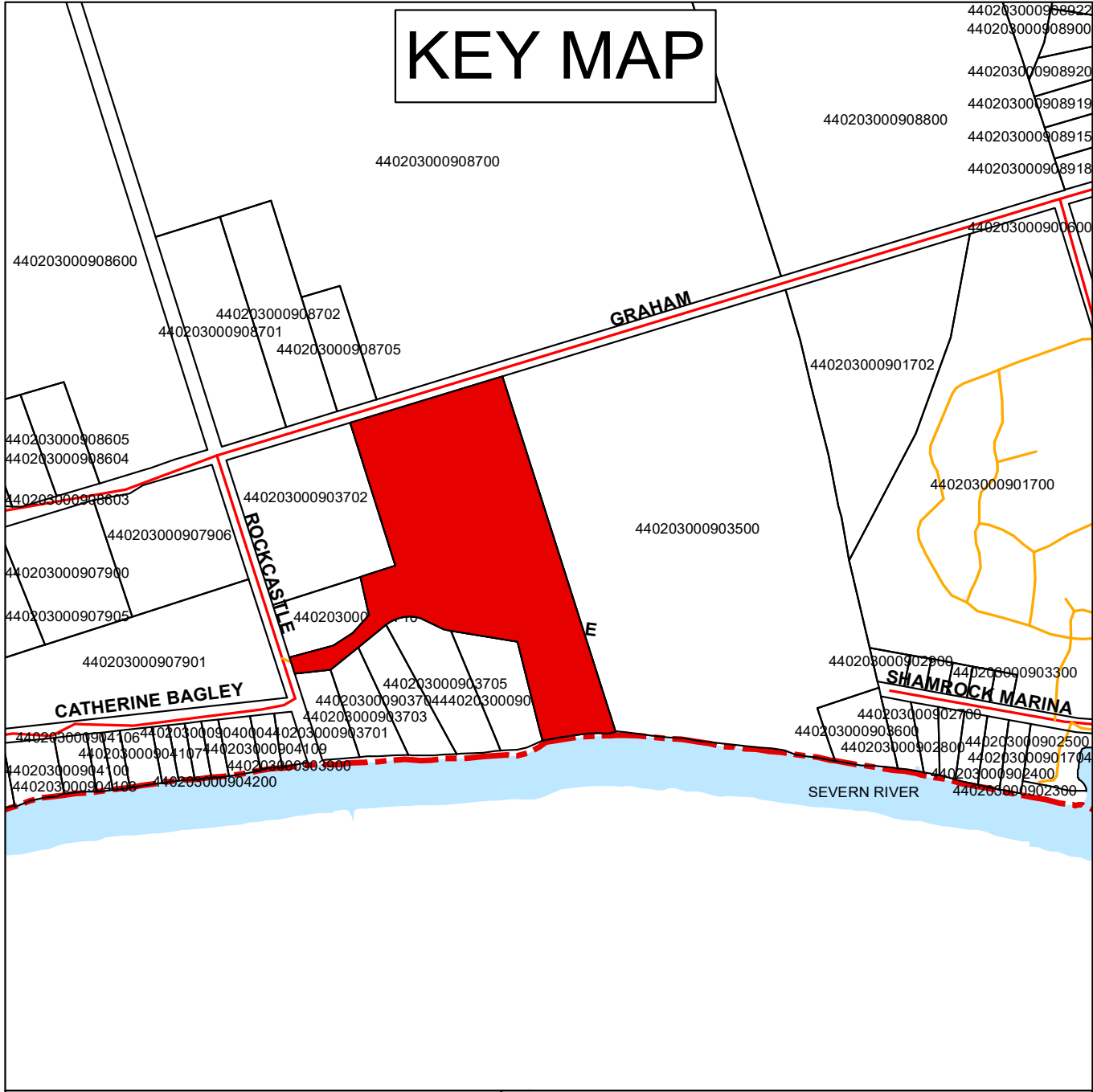
1. Attachment A – Key Map
2. Attachment B – Schedule 1 of 2 – Site Plan
3. Attachment C – Schedule 2 of 2 – Site Plan Severed Lot

RESPECTFULLY SUBMITTED BY:

Author: Andrew Clark, Planner

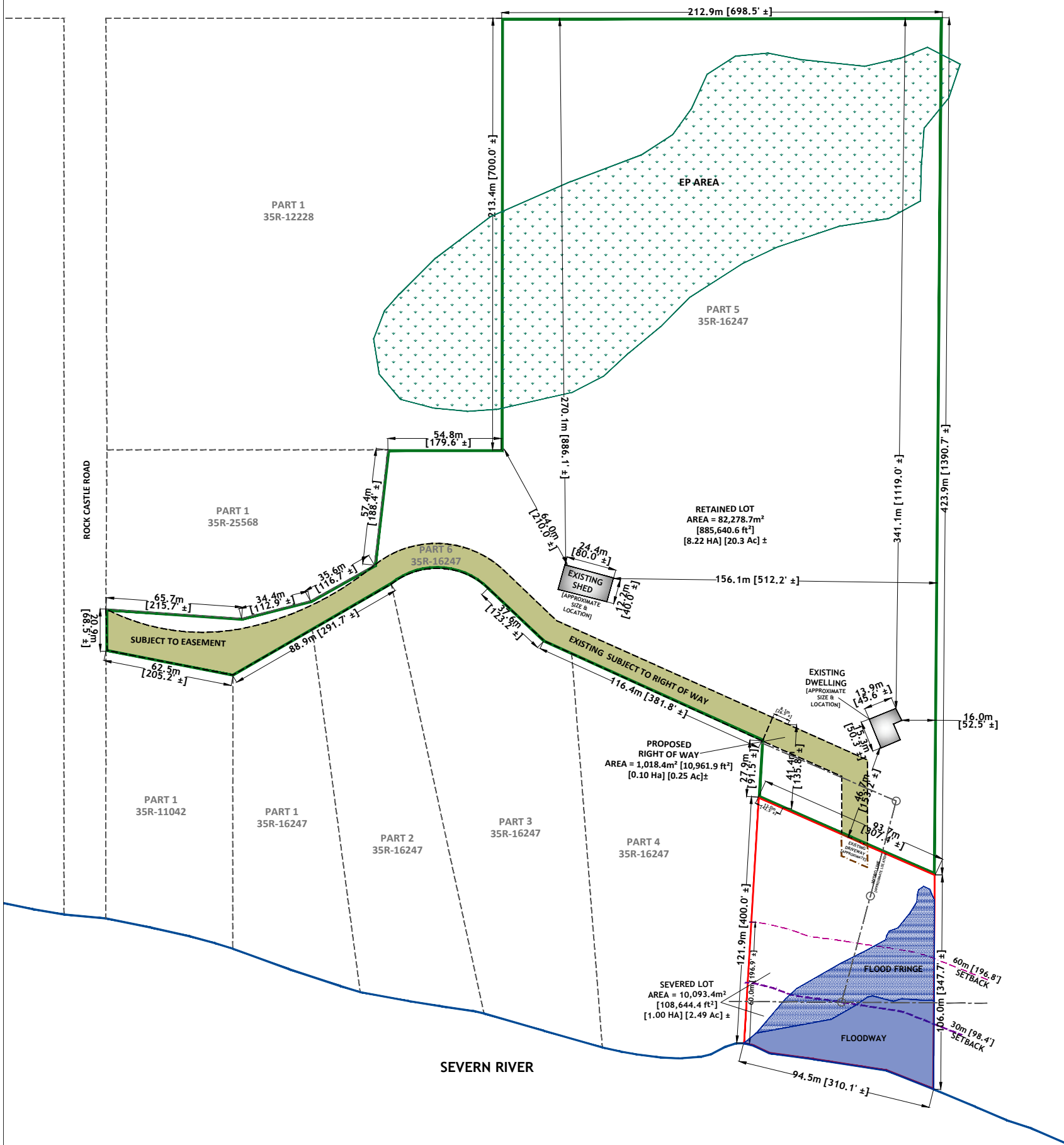
Approved by: Adam Ager, Manager of Planning Services

KEY MAP



SCHEDULE
 Proposed Concurrent
 Consent and Zoning Amendment
 Application Nos. B/03/2024/GR
 and ZA 10/2024
 McIntyre, Graham
 Part of Lot 30, Con.1, (Severn River)
 in the former Township of Morrison
 now in the Town of Gravenhurst
 District Municipality of Muskoka
 municipally known as 1031 Rock Castle
 Roll No. 030 009 03700

SCHEDULE (1 of 2)
Proposed Concurrent Consent and Zoning Amendment
Application Nos. B/03/2024/GR and ZA 10/2024
McIntyre, Graham
Part of Lot 30, Con.1, (Severn River)
in the former Township of Morrison
now in the Town of Gravenhurst
District Municipality of Muskoka
municipally known as 1031 Rock Castle
Roll No. 030 009 03700
Dated: October 1, 2024



SEVERANCE SKETCH
 1031 ROCKCASTLE ROAD - UNIT 9
 PARTS 5, 6, 7, 8 - PLAN 35R-16247
 PART OF LOT 30, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF MORRISON
 TOWN OF GRAVENHURST
 DISTRICT MUNICIPALITY OF MUSKOKA
 McINTYRE

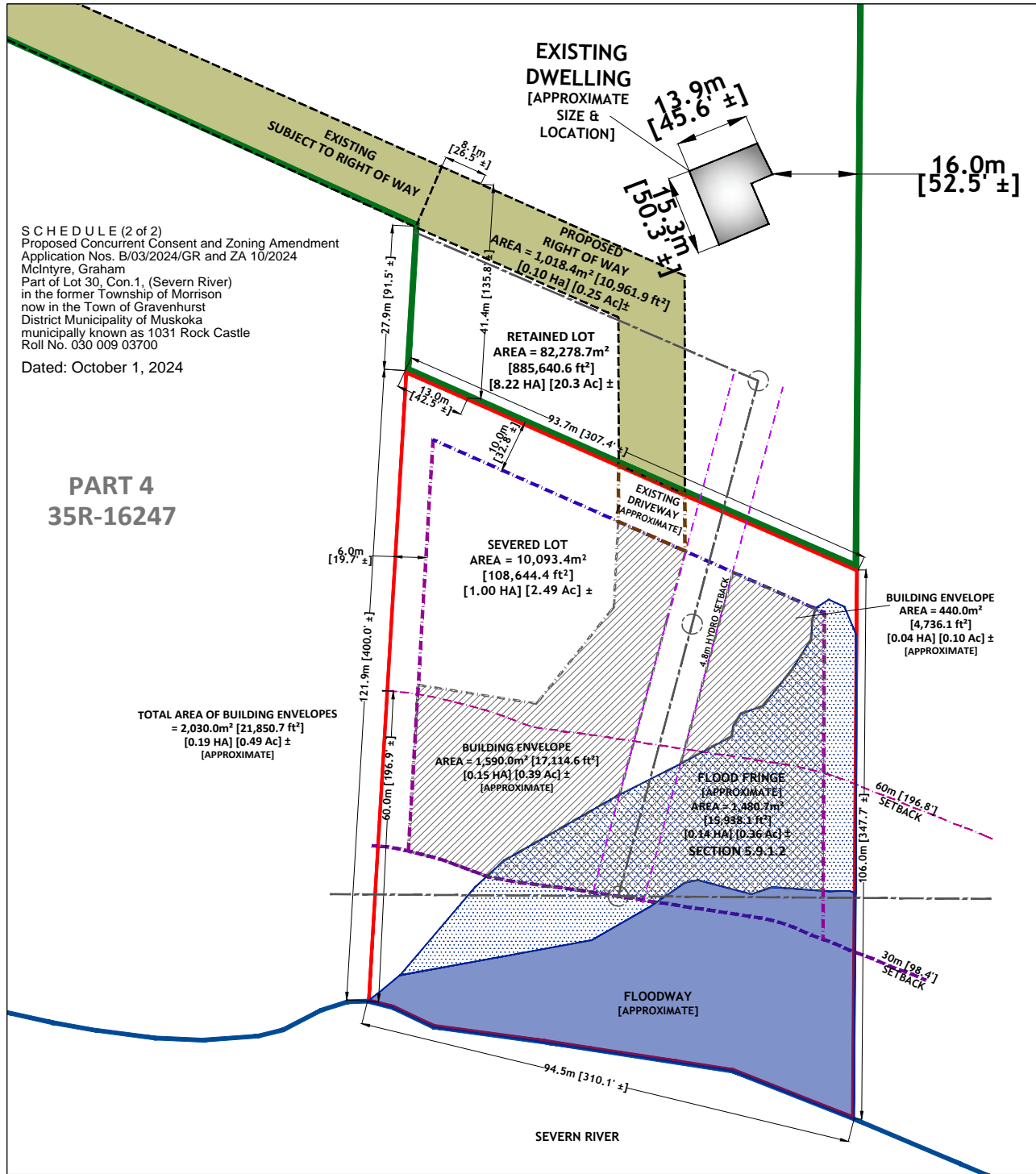
DISCLAIMER
 THIS DRAWING IS FOR ILLUSTRATION
 PURPOSES ONLY.
 BASE MAPPING CREATED FROM SCANNED
 PLAN 35R-16247 & PLAN 35R-25568
 ALL INFORMATION CONTAINED WITHIN IS
 APPROXIMATE.
 THIS IS NOT A PLAN OF SURVEY AND SHALL
 NOT BE TREATED AS SUCH.

NO.	DATE	REVISIONS	BY
1.			
2.			
3.			
4.			

PLANSCAPE
 BUILDING COMMUNITY THROUGH PLANNING

SCALE: 1 : 2 000
 PROJECT NO.: 166100
 DATE INITIATED: SEPTEMBER 4, 2024
 BY: JT

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 GORDON S. GOOD - O.L.S. - 35R-16247
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BUILDING ENVELOPE SKETCH

1031 ROCKCASTLE ROAD - UNIT 9
PARTS 5, 6, 7, 8 - PLAN 35R-16247
PART OF LOT 30, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF MORRISON
TOWN OF GRAVENHURST
DISTRICT MUNICIPALITY OF MUSKOKA

McINTYRE

DISCLAIMER
THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY.

BASE MAPPING CREATED FROM SCANNED PLAN 35R-16247 & PLAN 35R-25568

FLOODWAY & FLOOD FRINGE ARE AT APPROXIMATE LOCATIONS.

ALL INFORMATION CONTAINED WITHIN IS APPROXIMATE.

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE TREATED AS SUCH.

NO.	DATE	REVISIONS	BY
1.			
2.			
3.			
4.			

PLANSCAPE
Resilient Community Transition Planning

SCALE: 1:1 000

PROJECT NO.: 166100


DATE INITIATED: SEPTEMBER 4, 2024

BY: JT

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T.A. BUNKER SURVEYING LTD. - 35R-25568

	THE CORPORATION OF THE TOWN OF GRAVENHURST	
	To:	Committee of Adjustment
	From:	Angela Ghikadis, Senior Planner
	Date:	October 18, 2024
	Subject:	B/11/2024/GR; CLIPSHAM, Joel; River Lane (Sparrow Lake & Kahshe River)

RECOMMENDATIONS

Based on the analysis contained below, Planning Division staff recommends:

THAT consent application B/11/2024/GR 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 new lot in accordance with the Town’s Dedication of Parkland By-law 97-49.
- (4) The property be rezoned to implement the recommendations of the RiverStone Environmental Solutions report dated April 2024 as follows:
 - a. Rezone the identified wetlands and Species at Risk habitat to Environmental Protection (EP);
 - b. Identify a building envelope on the severed and retained lots;
 - c. Identify a docking envelope on the severed and retained lots;
 - d. Require a 30.0 metre Shoreline Buffer from the Kahshe River, of which 97% is to remain in a natural state
- (5) The applicant enter into an Agreement with the Town of Gravenhurst to implement additional recommendations of the RiverStone Environmental Solutions report dated April 2024.
- (6) Final approval be subject to the Town of Gravenhurst confirming that the severed and retained lots are satisfactory for on-site sewage disposal and that any problems identified by the Town with any existing sewage systems be corrected to the satisfaction of the Town of Gravenhurst.

PURPOSE

The purpose of this report is to provide background information and recommendations related to Consent Application B/11/2024/GR.

The application was submitted in order to permit the creation of one new lot. A concurrent zoning amendment (ZA 24-2024) was submitted to implement the recommendations of the Environmental Impact Statement, and will be considered by Council on October 22, 2024. A location map and Schedule are attached.

SUPPORTING INFORMATION

A Scoped Environmental Impact Statement (EIS) dated April 2024 was prepared by RiverStone Environmental Solutions Inc. and submitted in support of the consent application. The EIS contains recommendations related to the driveway (right-of-way), vegetation retention, construction mitigation measures, buffers and setbacks, which are all intended to address environmental features such as watercourse, species at risk habitat, wetlands, fish and wildlife habitat. A copy of the EIS is available for review by contacting the Planning Division.

PROPERTY INFORMATION

a) Lot Dimensions:

	Severed Lot (B/11/2024/GR)	Retained Lot
Lot Area	+/- 1.4 hectares	+/- 4.1 hectares
Lot Frontage	+/- 95.1 metres	+/- 149.9 metres

b) Servicing:

Private water supply and private sewage system

c) Access:

Privately maintained road: River Lane

d) Fish Habitat:

The property is located adjacent to Type 1 (Significant) fish habitat. As part of the EIS, fish habitat was reviewed, resulting in the identification of appropriate (and limited) Dock envelopes for each of the proposed severed and retained lots. Those Dock envelopes will be incorporated into the site-specific zoning amendment for the property. Other

recommendations in the EIS that are related to protecting fish habitat will be incorporated into a Site Plan Agreement.

e) Site Inspection and Characteristics:

A site inspection was conducted on October 2nd, 2024 by Angela Ghikadis and Susan Flemming.

The property is a large irregularly shaped parcel that is currently vacant. There is a private road through the subject property which services four Dwellings on properties which do not have water frontage. Part of this consent application is to extend the right-of-way in order to provide access to the proposed severed lot. The Scoped EIS contains recommendations about the location of the right-of-way which will be encapsulated in the required Site Plan Agreement.

A portion of the property fronts on to Sparrow Lake, which has an associated Provincially Significant Wetland. The remainder of the property fronts on the Kahshe River, which is a Narrow Waterway.

The area where the right-of-way currently ends is open grass that extends to Sparrow Lake. Otherwise, the property is heavily vegetated and remains in a natural state. The majority of the land is level with gentle slopes. Portions of the retained lot have been identified as wetlands. There is a small area of steep slopes running through the severed and retained parcels.

f) Surrounding Land Uses:

The property is located adjacent to a residential waterfront area. The proposed severed and retained lots would still be two of the larger lots in the immediately surrounding area. Some of the properties in this area are smaller lots which do not have water frontage, and would not be permitted under current planning policies. There is also a children's camp (Camp Winston) located to the west of the subject property. To the north is the Kahshe River, across which are also large residential waterfront properties.

g) Shore Road Allowance:

Not owned – Sparrow Lake frontage

Not applicable – Kahshe River frontage (no OSRA, there is direct frontage on Kahshe River)

ANALYSIS & OPTIONS

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

Provincial Policy Statement

For the purposes of the Provincial Policy Statement (PPS, 2020), waterfront areas located outside of Settlement Areas are considered Rural Areas and deemed to be Rural Lands. Sections 1.1.4 and 1.1.5 describe how Rural Areas are important to the economic success of the Province and our quality of life, and confirm that permitted uses include recreational dwellings. Policy 1.1.5.4 promotes new development on Rural Lands that is compatible with the rural landscape and can be sustained by rural service levels. One new waterfront lot with private services is appropriate in this location.

Section 2.1 of the PPS, 2020 contains policies to protect natural heritage features, and does not permit any development adjacent to a Provincially Significant Wetland (PSW) unless it has been demonstrated there will be no negative impacts. The EIS completed by RiverStone confirmed that the proposed lot creation, with associated development, will not have a negative impact on the PSW, provided the recommended measures are completed.

In addition, development and site alteration is not permitted in fish habitat, or, in habitat of endangered and threatened species, except in accordance with provincial and federal requirements. Following the recommendations of the EIS will ensure that provincial and federal requirements are maintained.

With the implementation of the EIS through zoning and a consent agreement (both recommended conditions), it is Staff's opinion that the application is consistent with the Provincial Policy Statement (PPS 2020).

Official Plan Policies

The property is designated "Waterfront Area" in the Town of Gravenhurst Official Plan.

The lot creation policies for the Waterfront Area in Section D14 of the Official Plan stipulate that new lots shall only be permitted where the abutting waterway and watershed can sustain the impact associated with the additional lots, and that new shoreline lots shall have a minimum of 60.0 metres of frontage on a navigable waterway, and a minimum lot area of 0.8 hectares. The policies state that when considering applications for lot creation, Committee and Council shall be satisfied that: there is sufficient frontage on each lot to ensure that there is an appropriate waterfront amenity area generally located outside of environmentally sensitive areas; the physical characteristics of the land enable development in accordance with the Official Plan policies and Zoning By-law regulations without significant alteration to the natural landscape

(including character, trees, natural bedrock outcrops and steep slopes). It is Staff's opinion that the proposal satisfies all of these criteria.

There are several natural constraints associated with this property. Schedule B of the Official Plan confirms: the entire property frontage is identified as Type 1 (Significant) Fish Habitat: the entire severed lot and a portion of the retained lot are associated with an identified Deer Wintering Area; and, the water frontage of the retained lot associated with Sparrow Lake is an identified Provincially Significant Wetland. In addition, there are wetlands and Species at Risk habitat identified through the RiverStone report, and, the Staff's site visit (and District mapping) confirmed an area of steep slopes, as well as the narrow waterway.

Section I of the Official Plan addresses Natural Heritage and Environment and provides confirmation of related protection measures and the threshold to determine when an Environmental Impact Statement is required. The report prepared by RiverStone addresses all of the matters listed in the previous paragraph and confirms that development can occur without negatively impacting the environmental features, subject to a number of recommendations that include increased buffers, vegetation retention, construction mitigation measures, buffers and building and Dock locations.

More detailed Official Plan policies such as those found in Section 16.2 state that new lot creation in Deer Wintering Areas requires each proposed lot to have a minimum lot frontage of 90.0 metres, and a minimum lot depth of 90.0 metres. Each of the proposed lots in this application exceeds this criteria.

Section 16.10 describes how lot frontages may be increased adjacent to a Narrow Waterway to ensure that density, water quality, navigation, aesthetics, channel congestion and views are not negatively impacted. In this case, each lot has more than 90.0 metres of frontage on the Kabshe River, the Shoreline Buffer is being required to increase to 30.0 metres, and there is a small Docking envelope on each of the proposed lots. It is therefore Staff's opinion that the Narrow Waterway policies of the Official Plan are addressed.

With the inclusion of the conditions related to the implementation of the EIS, it is Staff's opinion that the application to create one new lot conforms to the Town of Gravenhurst Official Plan.

Zoning By-law 10-04

Current Zoning: Residential Waterfront (RW-6)

The proposed lots exceed the minimum lot frontage and area requirements for new lots in the Residential Waterfront (RW-6) zone of Zoning By-law 10-04, as amended.

The area in front of the property on Sparrow Lake is already zoned Environmental Protection (EP) to reflect the Provincially Significant Wetland (PSW).

The EIS completed in support of the application identifies a number of environmental features that need to be protected, so a related Zoning Amendment application will be considered by Council on October 22, 2024. Specifically:

- Portions of the property will be rezoned to Environmental Protection (EP) to reflect wetlands and potential Species at Risk habitat
- Docking Envelopes will be limited on each proposed lot;
- Building Envelopes will be defined on each proposed lot;
- The Shoreline Buffer adjacent to the Kahshe River will be extended to 30.0 metres and be required to have 97% maintained in a natural state.

The sole reason for the Zoning Amendment is to implement the recommendations of the EIS.

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.

At the writing of this report, the following comments had been received:

- Chief Building Official – No objection but no site visit has been conducted to determine lot suitability for building or septic area
- Manager of Revenue/Deputy Treasurer – No objection
- Infrastructure Technologist – No objection
- Fire & Emergency Services – No objection subject to Ontario Building Code and Ontario Fire Code requirements. It is noted the Fire Department primarily consists of volunteers which may affect availability and response times. Appropriate access must be maintained.
- District of Muskoka – No objection subject to appropriate development techniques being used to implement the recommendations of the Environmental Impact Study prepared by RiverStone Environmental Solutions Inc.

Report to: Committee of Adjustment
Report Title: B/11/2024/GR; CLIPSHAM
Date: October 18, 2024

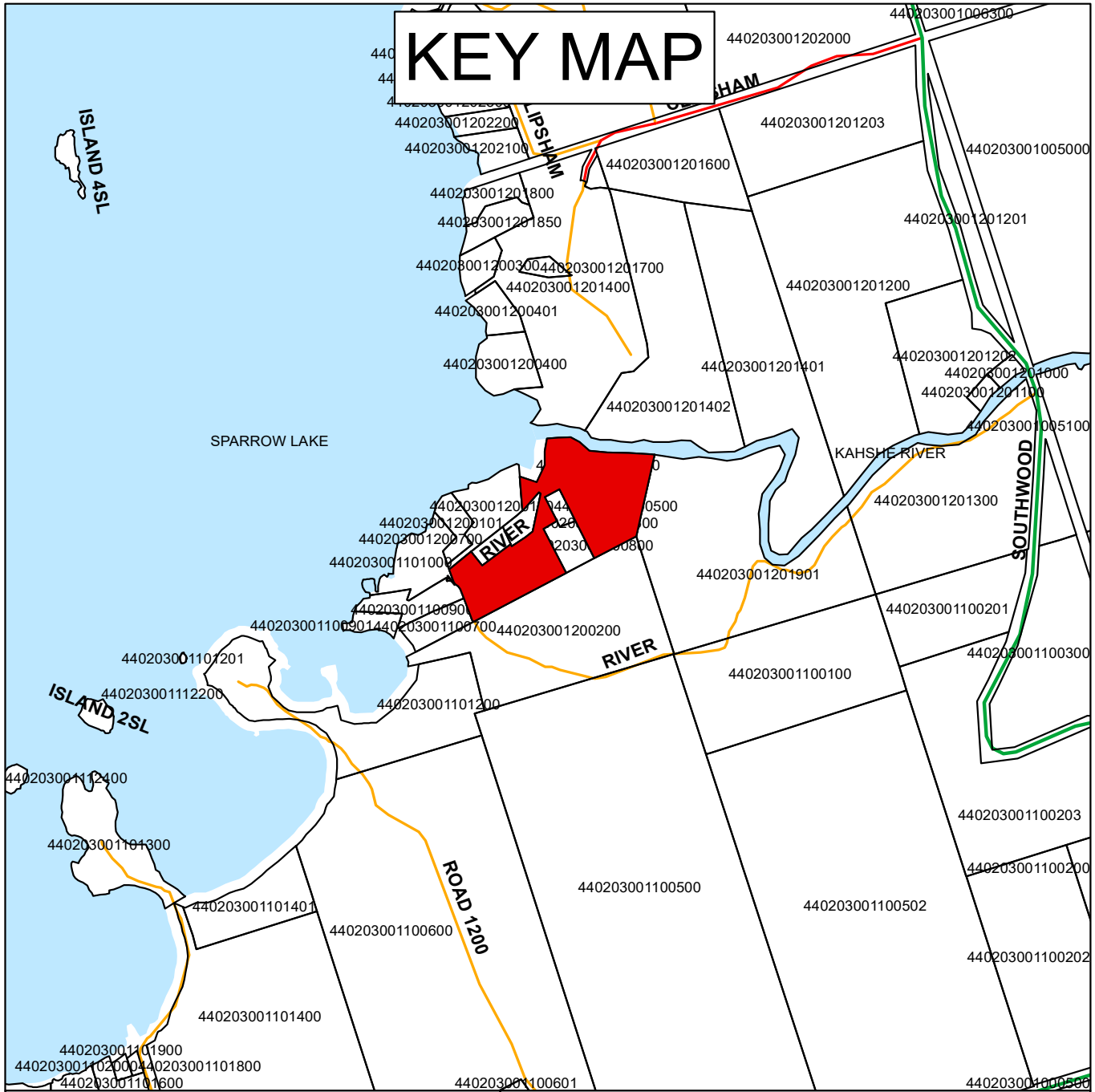
- A neighbour provided a list of 29 questions that planning Staff are in the process of answering so a more formal submission may come forward prior to the public hearing

ATTACHMENTS

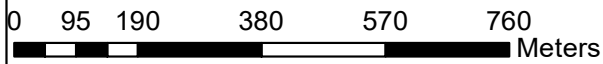
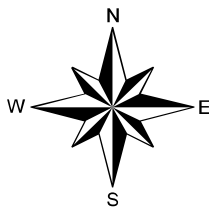
1. Key Map
2. Schedule – Severance Sketch

RESPECTFULLY SUBMITTED BY:

Administrator: Amber Gordon, Planning Administrator II
Author: Angela Ghikadis, Senior Planner
Approved by: Adam Ager, Manager of Planning Services



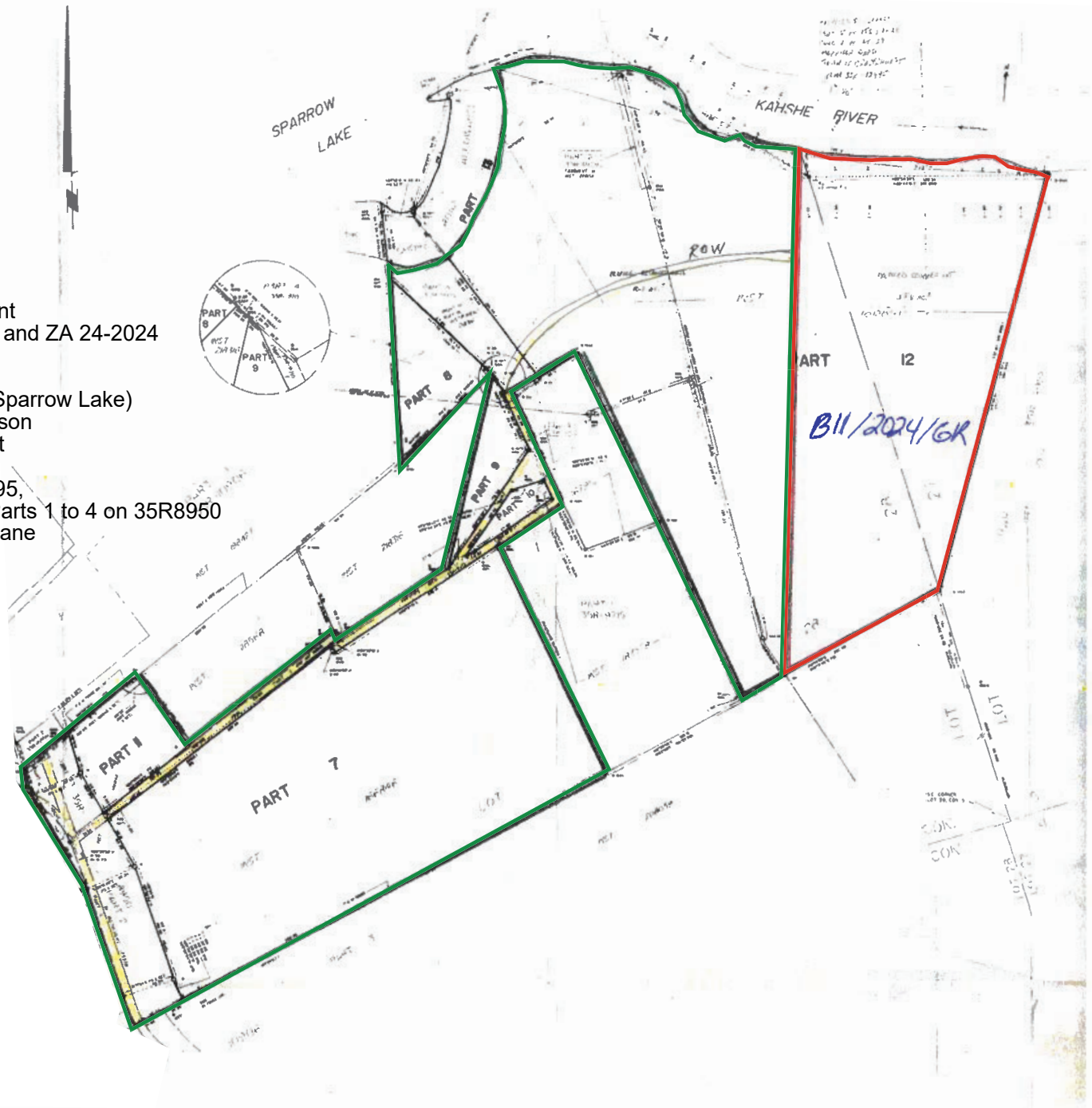
KEY MAP




1:10,095

SCHEDULE
 Proposed Concurrent
 Consent and Zoning Amendment
 Application No. B/11/2024/GR
 and ZA 24-2024
 CLIPSHAM, Joel
 PT LOT 29, CON 4 and
 PT LOTS 27 AND 28, CON 5 (Sparrow Lake)
 in the former Township of Morrison
 now in the Town of Gravenhurst
 District Municipality of Muskoka
 Being Parts 7 to 12 on 35R12995,
 Parts 2 to 5 on 35R9715, and
 Parts 1 to 4 on 35R8950
 municipally known as ** River Lane
 Roll No. 030-012-01900

SCHEDULE
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municipally known as ** River Lane
Roll No. 030-012-01900
Dated: October 1, 2024



	THE CORPORATION OF THE TOWN OF GRAVENHURST	
	To:	Committee of Adjustment
	From:	Andrew Clark, Planner
	Date:	October 18, 2024
	Subject:	A/17/2024/GR; CHEVALIER, Marc & ROSS, Kirsten; 1271 Sparrow Lake Route D

RECOMMENDATION(S)

Based on the analysis contained below, Planning Division staff recommends:

THAT Minor Variance Application A/17/2024/GR be approved.

PURPOSE

The purpose of this report is to provide background information and recommendations related to Minor Variance Application A/17/2024/GR.

The application was submitted in order to permit the construction of an accessory building in the form of a carport (2 cars) with a front lot line setback of 12.6 metres, where a minimum front lot line setback of 18.0 metres is required, representing a variance of 5.4 metres. A location map and sketch are attached.

PROPERTY INFORMATION

a) Lot Dimensions:

Lot Area: +/- 7689 square metres

Lot Frontage: +/- 215 metres

b) Servicing:

Private water supply and private sewage system

c) Access:

Municipally maintained road: Sparrow Lake Route D

d) Site Inspection and Characteristics:

A site inspection was conducted on October 4, 2024 by Andrew Clark, Susan Flemming and Chris Sun.

The subject property is accessed by a gravel driveway. Existing structures observed on the property include a detached Dwelling, and septic system adjacent to the dwelling. As well as a small shed to the west of the Dwelling.

The property is predominantly in a natural state and well vegetated outside of the existing development area. The front portion of the property is relatively flat, sloping upwards towards the road to the north. More significant sloping constraints were observed behind the existing Dwelling and to the east side of the Dwelling.

The portion of the property where the accessory building is proposed is flat and the proposed car port is to align with the existing driveway. Mature trees were observed along the front and side yards, which appeared to buffer the proposed development area from the road and neighboring properties.

e) Surrounding Land Uses:

The property is located in a rural area and is surrounded by predominantly naturalized lots that are either vacant or developed with Single Detached Dwellings and accessory structures. The neighbouring property across the road to the north is a large lot zoned extractive industrial land and contains several structures. The Kahshe River abuts the subject property to the south. Adjacent properties to the east and west are parcels that are used for residential rural purposes and are of relative size to subject property.

ANALYSIS & OPTIONS

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

Provincial Policy Statement (PPS 2020)

For the purposes of the Provincial Policy Statement (PPS 2020), the subject property is within a Rural Area. Sections 1.1.4 and 1.1.5 describe how Rural Areas are important to the economic success of the Province and our quality of life, promote development that is compatible with the rural landscape and can be sustained by rural servicing levels, and confirm that permitted uses include residential development and accessory buildings. The proposal involves the construction of an accessory building carport, which would be accessory to the existing Dwelling and compatible with the surrounding Rural area.

It is staff's opinion that the application is consistent with the Provincial Policy Statement (PPS 2020).

District of Muskoka Official Plan

Staff have not identified any District of Muskoka interests and it is staff's opinion the application conforms to the District of Muskoka Official Plan.

Does the variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated "Rural Area" in the Town of Gravenhurst Official Plan and Residential Dwelling and associated accessory buildings and structures are permitted.

Section E1 of the Official Plan outlines objectives and policies for development in the Rural Area.

Section E1.3 promotes development that is compatible with the open and natural character of the Rural Area, and which does not require the introduction of urban services.

Policy E1.4.1 states that Single Dwellings shall be permitted on lots in the Rural Area.

The proposed development involves the development of an Accessory Building (car port) that will be accessory to the existing Single Detached Dwelling. The Accessory Building will remain compatible with the surrounding rural character and the proposed reduced front lot line setback will minimize disturbances to natural features on the property by utilizing the location of the existing driveway. Further, runoff if any will be adequately accommodated on site, and the proposed accessory building will be screened by existing mature vegetation along the front lot line of the property. Lastly, the proposed development will have no impact to the existing private services.

It is staff's opinion the proposal maintains the general intent and purpose of the Town's Official Plan

Does the variance maintain the general intent and purpose of the Zoning By-law?

Zoning: Residential Rural (RR-5) in Comprehensive Zoning By-law 2010-04.

The requested variance seeks to permit a minimum front lot line setback of 12.6 metres for an Accessory Building car port, where 18.0 metres is required. The primary intention of the required setback from the front lot line is to ensure structures do not interfere with road sightlines and maintenance, and to maintain the natural and open character of the rural area by minimizing the visual impact of development from the streetscape and encouraging natural features to be preserved in front yards.

The proposed development will remain accessory to the existing Dwelling as it will be used for storage purposes, is smaller in area, and is oriented to face the street. Additionally, it is not expected to interfere with existing sightlines or road maintenance activities. The natural character of the subject property and surrounding area is also expected to be maintained as mature vegetation will be retained along the front lot line, and the proposed location will help minimize site disturbance that would be required at other locations of the property where topographic constraints exist and expansions to the existing driveway would be required.

It is staff's opinion the proposal maintains the general intent and purpose of the Zoning By-law.

Is the variance desirable for the appropriate development or use of the land, building or structure?

The requested variance is intended to allow the proposed Accessory Building to be located on an area that is suitable for construction and that can be accessible from the existing driveway on the property. The requested variance will also allow the proposed Accessory Building to be located outside of natural constraints identified to the rear and sides of the property, to minimize site disturbance that would be required to extend the existing driveway, and to utilize existing infrastructure on the property while connecting to the existing Dwelling. Additionally, at the proposed setback from the front lot line, the Accessory Building will be buffered from the street and surrounding properties by existing vegetation on the property.

It is staff's opinion the proposal is desirable for the appropriate development of the land.

Is the variance minor?

The requested variance is intended to allow the proposed Accessory Building access from the existing driveway and avoid natural constraints on other areas of the property, which is anticipated to minimize site disturbance. Furthermore, the proposed Accessory Building is not anticipated to have negative impacts to road sightlines or maintenance activities. Adverse visual and nuisance impacts to the streetscape and neighbouring properties are not to be expected as

significant vegetation along the front and side lot lines is quite sufficient to screen the view for the proposed carport. Further, the accessory building will remain accessory to the existing Dwelling in terms of use, size, and orientation toward the street.

It is staff's opinion the proposal is minor.

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.

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

At the writing of this report, the following comments had been received:

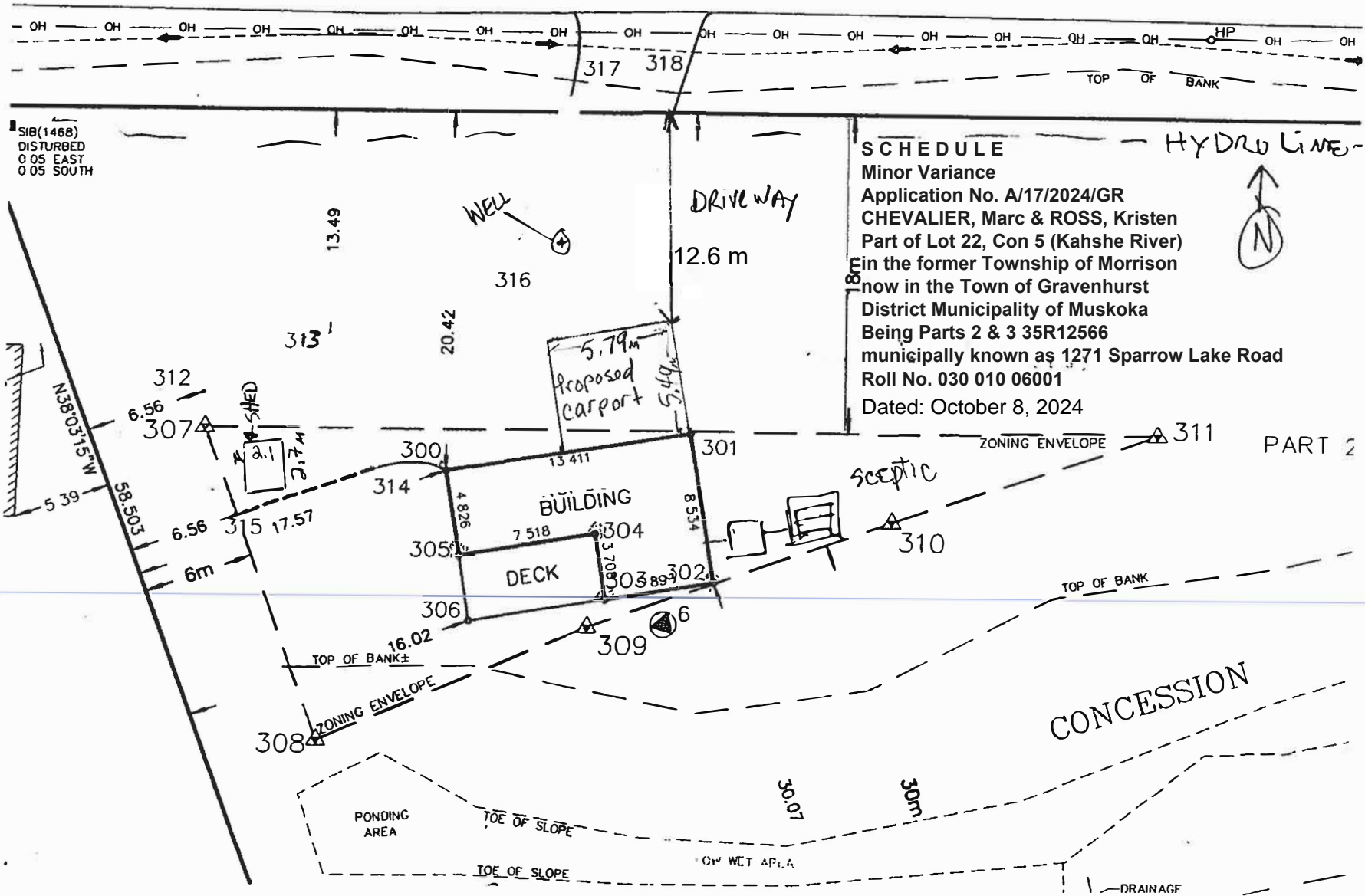
- Deputy Chief Building Official – No Objections
- Sewage System Inspector – No Objections
- Treasurer – no Objections
- Director of Infrastructure – No Objections
- Deputy Fire Chief - No objection subject to Ontario Building Code and Ontario Fire Code requirements. It is noted the Fire Department primarily consists of volunteers which affects availability and response times.

ATTACHMENTS

1. Attachment A – Key Map
2. Attachment B – Schedule – Site Plan

RESPECTFULLY SUBMITTED BY:

Administrator: Amber Gordon, Planning Administrator II
Author: Andrew Clark, Planner; Chris Sun, Student Planner
Approved by: Adam Ager, Manager of Planning Services




SCHEDULE — HYDRO LINE —
 Minor Variance
 Application No. A/17/2024/GR
 CHEVALIER, Marc & ROSS, Kristen
 Part of Lot 22, Con 5 (Kahshe River)
 in the former Township of Morrison
 now in the Town of Gravenhurst
 District Municipality of Muskoka
 Being Parts 2 & 3 35R12566
 municipally known as 1271 Sparrow Lake Road
 Roll No. 030 010 06001
 Dated: October 8, 2024



SIB(1468)
 DISTURBED
 0.05 EAST
 0.05 SOUTH

PART 2

 <p>GRAVENHURST GATEWAY TO MUSKOKA</p>	THE CORPORATION OF THE TOWN OF GRAVENHURST	
	To:	Committee of Adjustment
	From:	Andrew Clark, Planner & Angela Ghikadis, Senior Planner
	Date:	October 18, 2024
	Subject:	A/18/2024/GR; SIMMONS, Kyle and Eric; 1203 Brydon's Bay Road (Lake Muskoka)

RECOMMENDATION

Based on the analysis contained below, Planning Division staff recommends:

THAT Minor Variance Application A/18/2024/GR be approved, subject to the following condition:

- The proposed Boathouse and Dock are located within the footprint shown on the site plan drawing dated October 7th, 2024.

PURPOSE

The purpose of this report is to provide background information and recommendations related to Minor Variance Application A/18/2024/GR.

The applicants are proposing to construct a new Boathouse and Dock. The application was submitted to request the following relief:

- A Dock setback a minimum of 0.5 metres from the eastern side lot line extension, where a 1.1 metre setback is existing, representing a variance of 0.6 metres.
- A Boathouse setback a minimum of 1.6 metres from the eastern side lot line extension, where 6.0 metres is required, representing a variance of 4.4 metres.
- A maximum Shoreline Development Area of 158.4 square metres, where 138.0 square metres is permitted, representing a variance of 20.4 metres.

A location map and sketch are attached.

SUPPORTING INFORMATION

A Planning Justification Report prepared by Planscape Inc. dated September 5, 2024 was submitted in support of the application. A copy of the report is available for review by contacting the Planning Division.

PROPERTY INFORMATION

a) Lot Dimensions:

Lot Area: +/- 2,678 square metres

Lot Frontage: +/- 41.5 metres

b) Servicing:

Private water supply and private sewage system

c) Access:

Municipally maintained road: Brydon's Bay Road

d) Fish Habitat:

The property is located adjacent to Type 2 (General) fish habitat. Any shoreline work must be in compliance with both Federal and Provincial requirements in order for a Building Permit for shoreline structures to be issued.

e) Site Inspection and Characteristics:

A site inspection was conducted on October 7, 2024 by Angela Ghikadis.

Existing structures on the property include a Dwelling with an attached open Deck, Stairs to access the shoreline and Dock (which includes an attached floating Dock). The existing Dock is generally located in the same area as the proposed new Dock and Boathouse.

The property slopes up steeply from the shoreline necessitating the stairs from the Dwelling. Although the shoreline area and slopes are comprised of bedrock, the property is well vegetated with mature trees, shrubs (including ground hemlock) and undergrowth.

The property frontage forms a small point of land and results in an irregular frontage. The existing and proposed shoreline structures are located on the east side of the point towards a small natural cove which is shared with abutting properties.

f) Surrounding Land Uses:

The property is located in a residential waterfront area on Brydons Bay of Lake Muskoka, which includes properties of varying sizes and frontages, with this property being average

in both frontage and area. It appears that immediately adjacent properties to the west have similar terrain with similar Dwelling setbacks from the water. Shoreline structures visible from the existing Dock include both Docks and single storey boathouses. To the east the Camp Shalom shoreline is visible and across the bay is the property formerly occupied by the Muskoka Regional Centre.

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 (PPS 2020)

For the purposes of the Provincial Policy Statement (PPS 2020), waterfront areas such as this are considered Rural Areas. Sections 1.1.4 and 1.1.5 describe how Rural Areas are important to the economic success of the Province and our quality of life, and confirm that permitted uses include recreational Dwellings and accessory buildings that are compatible with the surrounding area and can be sustained by rural servicing levels. The proposal involves the construction of a Boathouse and Dock, which would be accessory to the existing Dwelling and compatible with the surrounding residential waterfront area.

It is Staff's opinion that the application is consistent with the Provincial Policy Statement (PPS 2020).

District of Muskoka Official Plan

Staff have not identified any District of Muskoka interests and it is Staff's opinion the application conforms to the District of Muskoka Official Plan.

Does the variance maintain the general intent and purpose of the Official Plan?

The subject lands are designated "Waterfront Area" in the Town of Gravenhurst Official Plan and residential uses, including accessory shoreline structures such as Boathouses and Docks, are permitted.

Schedule B of the Official Plan identifies moderate (20-40%) and steep (40+%) slopes on the property, notably within the shoreline area. Section 16.9 of the Official Plan contains policies to preserve vegetation and limit development on steep slopes. The proposal includes a new Dock and Boathouse which will not be located on identified slope constraints. The proposed structures would be accessed using an existing shoreline staircase.

Section D5.5 of the Official Plan contains development policies for Boathouses. These policies permit the establishment of a maximum of one single storey Boathouse, subject to the lot having a minimum frontage of 30 metres, the structure being used for marine equipment storage, and be subject to an increased setback from the projected side lot line where a roof is used for a sundeck.

Section D11 of the Official Plan confirms the importance of preserving tree cover and native vegetation, especially within 20.0 metres of the water.

The proposal is for the construction of one single storey Boathouse which will be used for storing marine-related equipment on a property with over 30.0 metres of frontage. While reduced setback relief is being requested, this is due to the angle of the shoreline in relation to the lot line extension. The intention of the Official Plan policy for an increased setback is to mitigate noise and privacy conflicts which could potentially result from a rooftop boathouse sundeck. However, when taken in context with the other Official Plan policies, turning the boathouse away from the lot line extension to address this policy would require a new access route down the slope to the shoreline, which would result in additional site alteration and tree removal.

The requested variance seeks to increase the maximum permitted shoreline development area in order to construct a single storey Boathouse, which satisfies applicable criteria in Section D5.5 of the Official Plan. The Boathouse is proposed to be partially over the footprint of an existing Dock, helping to minimize visual and environmental impacts to the shoreline and to maintain the existing development character on the property. The proposed Boathouse will also maintain the shoreline character of the surrounding area, as neighbouring properties to the east and west are also developed with similarly sized boathouses with similar lot line setbacks. Consequently, the requested variance is not expected to result in negative impacts to the shoreline or water quality.

It is staff's opinion the proposal maintains the general intent and purpose of the Town's Official Plan.

Does the variance maintain the general intent and purpose of the Zoning By-law?

Zoning: Residential Waterfront (RW-6) in Comprehensive Zoning By-law 2010-04

The applicants are proposing to construct a new Boathouse and Dock. The application was submitted to request the following relief:

- A Dock setback a minimum of 0.5 metres from the eastern side lot line extension, where a 1.1 metre setback is existing
- A Boathouse setback a minimum of 1.6 metres from the eastern side lot line extension, where 6.0 metres is required
- A maximum Shoreline Development Area of 158.4 square metres, where 138.0 square metres is permitted.

The intention of the side yard setback for shoreline structures is to provide for suitable ingress and egress of watercraft, as well as to provide separation for privacy and mitigating potential impacts of noise. Based on zoning by-law requirements, the desired separation between shoreline structures is a minimum of 12.0 metres (6.0 metres per property). In this situation, the distance between the proposed new Dock and Boathouse and the closest Dock will be approximately 20.0 metres.

The intention of the maximum Shoreline Development Area is to ensure that the natural environment dominates over the built form. The staircase from the water (that is necessary to access the shoreline) and open Deck (with stairs) attached to the Dwelling are included in Shoreline Development but are very well screened, making the proposed Dock and Boathouse the only part of the Shoreline Development that will be visible. The proposed Dock and Boathouse footprint equates to 129.5 square metres, below the 138 square metres that is permitted.

It is staff's opinion the proposal maintains the general intent and purpose of the Zoning By-law.

Is the variance desirable for the appropriate development or use of the land, building or structure?

The proposal uses an existing staircase and access to the shoreline to construct a new Boathouse and Dock which are permitted accessory uses that will be in character with the neighbourhood. Given the steep bedrock, and the mature vegetation which visually screens the existing staircase, this is the appropriate location to access the shoreline and place shoreline structures.

It is staff's opinion the proposal is desirable for the appropriate development of the land.

Is the variance minor?

According to the applicants agent, the proposed location of the Boathouse was chosen in consultation with the neighbour to the east, who has the potential to be the most impacted. The applicants agent has stated that the proposed location provides for the neighbours' desired view of Lake Muskoka to be maintained while still keeping the Dock and Boathouse in an appropriate location, which does not require site alteration or vegetation removal along the shoreline. The additional Shoreline Development comprises the existing staircase and a portion of a Deck, both of which are screened from view by vegetation.

It is staff's opinion the proposal is minor.

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.

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

At the writing of this report, the following comments had been received:

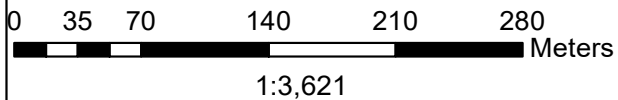
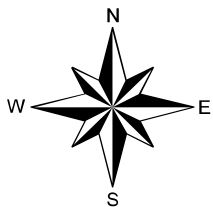
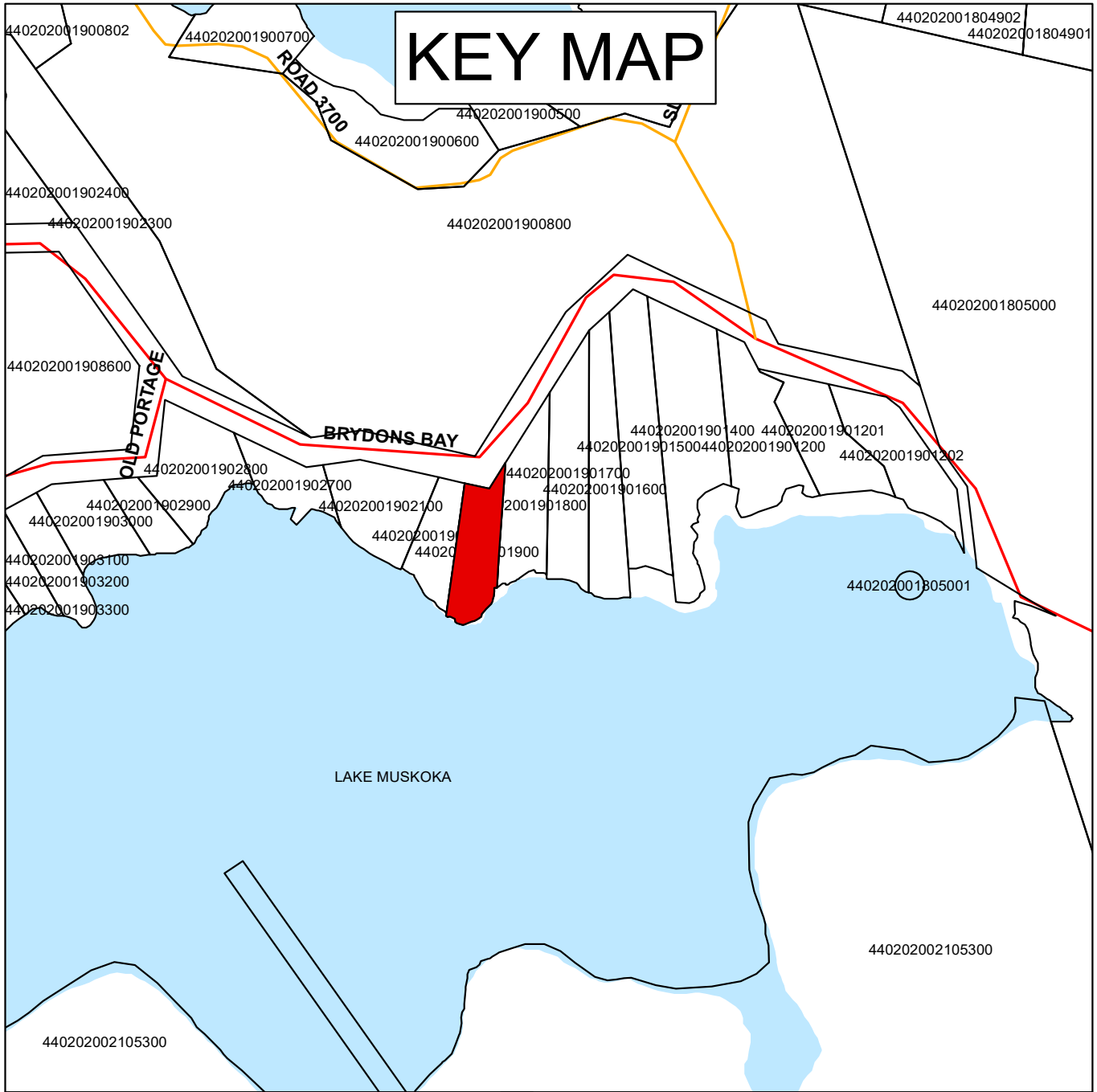
- Manager of Revenue/Deputy Treasurer – No objection
- Fire & Emergency Services - No objection subject to Ontario Building Code and Ontario Fire Code requirements. It is noted the Fire Department primarily consists of volunteers which may affect availability and response times, and access routes are to be maintained.

ATTACHMENTS

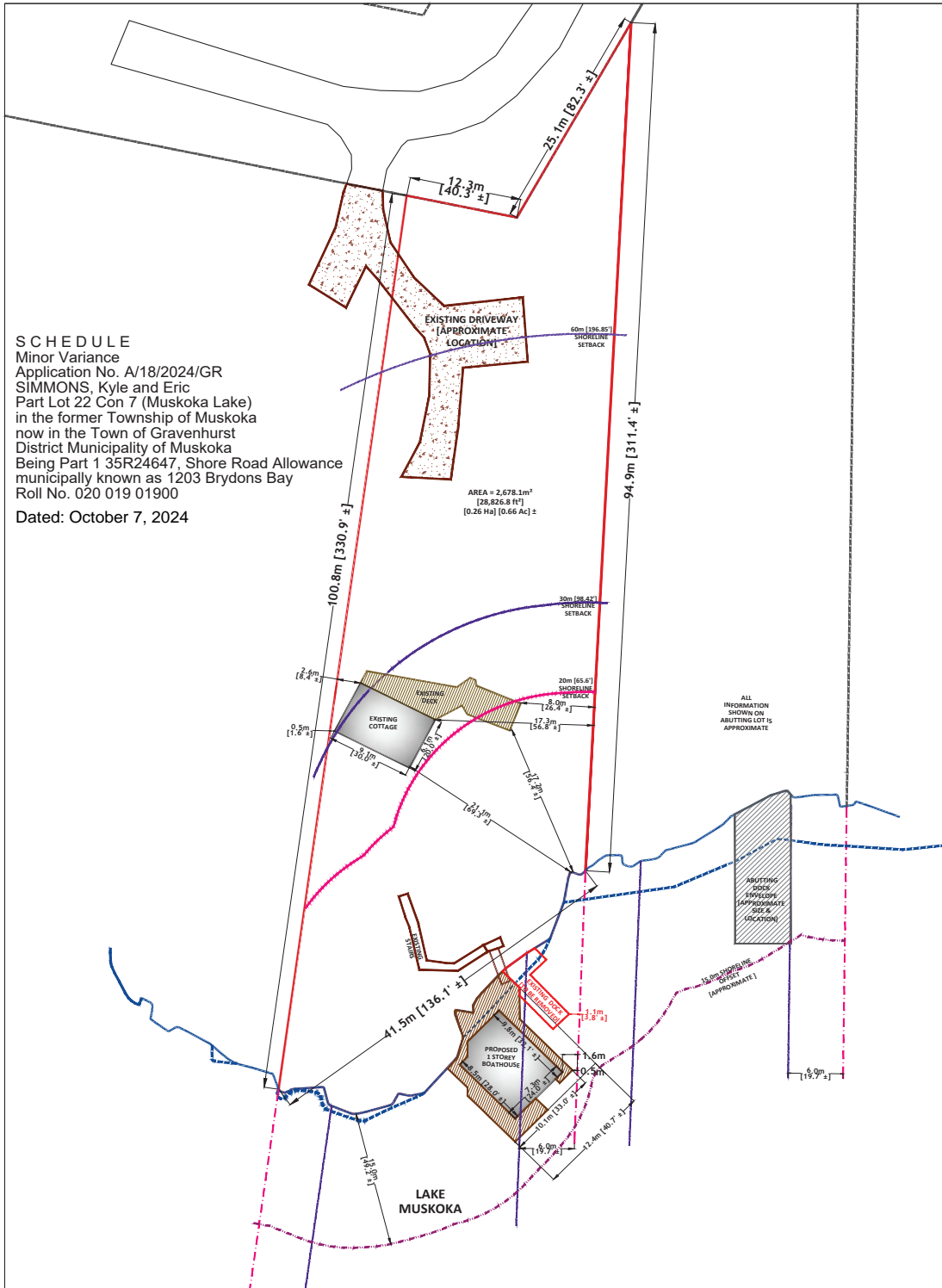
1. Attachment A – Key Map
2. Attachment B – Schedule – Site Plan

RESPECTFULLY SUBMITTED BY:

Administrator: Amber Gordon, Planning Administrator II
Author: Andrew Clark, Planner & Angela Ghikadis, Senior Planner
Approved by: Adam Ager, Manager of Planning Services



SCHEDULE
 Minor Variance
 Application No. A/18/2024/GR
 SIMMONS Kyle and Eric
 Part Lot 22 Con 7 (Muskoka Lake)
 in the former Township of Muskoka
 now in the Town of Gravenhurst
 District Municipality of Muskoka
 Being Part 1 35R24647, Shore Road Allowance
 municipally known as 1203 Brydons Bay
 Roll No. 020 019 01900



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 municipally known as 1203 Brydons Bay
 Roll No. 020 019 01900
 Dated: October 7, 2024

ALL INFORMATION SHOWN ON ADJUTING LOT IS APPROXIMATE

MINOR VARIANCE SKETCH EXISTING & PROPOSED
 1203 BRYDON'S BAY ROAD
 PLAN 35R-24647 B RD126
 PART OF LOT 22, CONCESSION 7
 GEOGRAPHIC TOWNSHIP OF MUSKOKA
 TOWN OF GRAVENHURST
 DISTRICT MUNICIPALITY OF MUSKOKA
 SIMMONS

LOT AREA = 2,678.1m² [28,826.8 ft²] [0.26 Ha] [0.66 Ac] ±
AREA WITHIN 60.00 [196.85'] ±
 = 2,193.3m² [23,608.5 ft²] [0.21 Ha] [0.54 Ac] ±

EXISTING DEVELOPMENT INFORMATION
COTTAGE = 55.7m² [599.5 ft²]
DECK (OUTSIDE 20m) = 44.1m² [474.7 ft²]
DECK (WITHIN 20m) = 7.8m² [83.9 ft²]
STAIRS = 21.1m² [227.1 ft²]
TOTAL EXISTING DEVELOPMENT = 128.7m² [1,385.2 ft²]

PROPOSED DEVELOPMENT INFORMATION
BOATHOUSE = 69.3m² [745.9 ft²]
DOCKS = 66.2m² [714.9 ft²]
TOTAL PROPOSED DEVELOPMENT = 135.5m² [1,460.8 ft²]

SHORELINE DEVELOPMENT
DECK = 7.8m² [83.9 ft²]
STAIRS = 21.1m² [227.1 ft²]
BOATHOUSE = 69.3m² [745.9 ft²]
DOCKS = 66.2m² [714.9 ft²]
TOTAL = 164.4m² [1,764.9 ft²]

COVERAGE WITHIN 60m
 = 55.7m² / 2,193.3 * 100 = 2.53%

	SCALE	PROJECT NO.	DATE INITIATED	BY
	1 : 400	169100	JULY 25, 2024	JT

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 BASE MAP SOURCE: THALER LAND SURVEYING - 2014