1. Call to Order

2. Declaration of Pecuniary Interest

3. Public Hearing to Consider Consent Applications

   3 - 11 (a) B18-29 TOWCON HOLDINGS INC (983 Harrison Trail)
   Re: To grant an easement in favour of the neighbouring lands (987 Harrison Trail) to recognize the existing vehicular access through the subject lands (983 Harrison Trail).

   12 - 23 (b) B19-01 BAMFORD (189 John Buchler Road)
   Re: To facilitate a lot boundary adjustment to eliminate a parcel of land and add a portion of the lot to the adjacent land parcels on either side (183 & 197 John Buchler Road) to increase their total lot areas.

4. Public Hearing to Consider Minor Variance Applications

   24 - 38 (a) A18-45 STEINER (20 Island 1900 Georgian Bay)
   Re: To permit a decrease in the minimum required setback from the high water mark to the dwelling where 20.0 metres is required to 14.8 metres to facilitate the construction of a new dwelling, pursuant to the Cognashene Shoreline Residential Island (SRI7) Zone of Zoning By-law No. 2014-75.

5. Applications not Subject to a Public Meeting

6. Education
   (a) Code of Conduct Review

7. Approve Minutes of Previous Meeting

   39 - 53 (a) January 18th 2019

8. Adjournment
TO: Committee of Adjustment
FROM: Victoria Lemieux, Planner
DATE: February 15th, 2019
SUBJECT: Consent Application No. B18/29
NAME: Towcon Holdings Inc.
C/O John Jackson Planner Inc.
ADDRESS: 983 Harrison Trail

1. REPORT HIGHLIGHTS:

- The application pertains to grant an easement in favour of the adjacent land owner (987 Harrison Trail) to access their property over an existing driveway. This application is intended to legalize an existing access, and no new access to the property is proposed.

2. RECOMMENDATION:

It is recommended to the Township of Georgian Bay Committee of Adjustment that the request for consent for an easement, be approved, subject to the following conditions:

1. Deeds for the easement are submitted to the Secretary Treasurer, along with a registered copy of the survey plan.

2. A complete set of digital drawing files of the reference plan shall be provided to the Township of Georgian Bay.

3. PLANNING DATA:

Subject Lands – 983 Harrison Trail
Frontage: 50 metres
Area: 0.54 hectares

(All measurements are approximate)

c) Township Official Plan Designation: ‘Waterfront’

d) Zoning – Shoreline Residential Type One (‘SR1’)
Development Services Department Report
Consent Application B18/29
Towcon Holdings Inc. – 983 Harrison Trail

Page 2 of 4

e) Access: Harrison Trail (Private)

f) Site Inspection: Completed by Victoria Lemieux on January 4th, 2019.

g) Servicing: N/A

4. **BACKGROUND / PREVIOUS APPROVALS:**

Planning Department records indicate no previous Planning Act approvals.

Building Department records indicate no recent building permits.

5. **SITE CHARACTERISTICS:**

Attachment No. 1 includes a location map of the subject lands. The lands are located in the northwest portion of the Township, with water frontage onto Twelve Mile Bay. The lands have a very steep slope down to the shoreline, and the existing structures on the property are a single family dwelling (1963) and a cabin (1969).

6. **PROPOSAL**

The application proposes to legalize the existing access for the adjacent land owner over the subject lands. The easement will cover the existing driveway that connects to Harrison Trail.

7. **PROVINCIAL POLICY STATEMENT 2014 (PPS):**

The property is located within a ‘Settlement Area’, pursuant to the policies of the Provincial Policy Statement 2014 (PPS). The application proposes to realign an existing easement to legalize access for the adjacent land owner through the subject lands. No new access is being proposed.

The proposed application is consistent with the Settlement Area policies of the Provincial Policy Statement.

8. **DISTRICT OF MUSKOKA OFFICIAL PLAN**

The subject lands are designated ‘Waterfront’ in the District of Muskoka Official Plan (Consolidated October 3, 2014).

The District Official Plan does contain specific policies that apply to easements outside of settlement areas, however the proposed application is to legalize an
existing access, and is in-keeping with the general intent and purpose of the District of Muskoka Official Plan, as will facilitate legal access to a permitted use within the 'Waterfront' designation.

9. **TOWNSHIP OF GEORGIAN BAY OFFICIAL PLAN**

The subject lands are located within the ‘Waterfront’ designation, per ‘Schedule A – Settlement Patterns’ of the Township of Georgian Bay Official Plan, as amended.

**I.4.2 Consent**

I.4.2.2 states that consent may also be permitted for technical or legal reasons such as a boundary adjustment, lot additions, easements, rights-of-way, validation of titles, or other similar purposes that do not result in the creation of a new lot.

The application proposes to legalize an existing access to developed lands, and is not proposing any new access points onto Harrison Trail. The Township Official Plan supports such applications where necessary.

The application conforms to the Township Official Plan.

10. **COMPREHENSIVE ZONING BY-LAW NO. 2014-75:**

The subject lands are currently zoned Shoreline Residential Type One (‘SR1’) in the Township of Georgian Bay Zoning By-law 2014-75.

The proposed location of the easement is over an existing driveway, and will legalize access to a developed parcel of land.

Section 4.1.8.(a) of the By-law states that all accessory buildings shall be setback at least 4 metres from a private road or the limit of a right-of-way. No accessory structures on the subject lands will encroach into this required setback.

The application conforms with the general intent of Zoning By-law No. 2014-75.

11. **CIRCULATION/NOTICE OF PUBLIC HEARING:**

The Notice of Public Hearing for this consent application was sent on January 25th, 2019 by regular mail to all assessed owners of land within 800 metres of the subject property, and to various agencies and departments.
The Notices were sent in accordance with the requirements of the *Planning Act* and Regulations thereto.

12. **COMMENTS FROM DEPARTMENTS, AGENCIES & PUBLIC:**

The District of Muskoka has no objections to the application.

13. **SUMMARY**

It is the professional opinion of staff that the application for an easement is consistent with the Provincial Policy Statement, conforms to the District of Muskoka Official Plan and Township of Georgian Bay Official Plan, and that the approval of the application would represent good land use planning.

Respectfully submitted by:  
Victoria Lemieux, B.URPl  
Planner

With the Concurrence of:  
Jamie Robinson, BES, MCIP, RPP  
Interim Director of Development Services

Attachments:

1. Location Map
2. Site Photos (January 4th, 2019)
3. Easement Sketch
Subject Lands
983 Harrison Trail

Proposed Easement
Location (over existing driveway)
SITE PHOTOS

Photo #1
View of driveway into subject lands (looking from Harrison Trail)

Photo #2
View of approximate area of driveway, prior to bend towards adjacent lands, view towards bay.
Photo #1
View of driveway looking towards adjacent lands (facing west)

Photo #2
View of lands adjacent to the east of subject lands
SITE PHOTOS

Photo #1
View from driveway towards Harrison Trail, facing north.
EASEMENT SKETCH

PROPOSED EASEMENT

BENIFITTING LANDS

PROPOSED RIGHT-OF-WAY (OVER EXISTING DRIVEWAY)
PLANNING REPORT 2019-20

TO: Committee of Adjustment
FROM: Victoria Lemieux, Planner
DATE: February 15th, 2019
SUBJECT: Consent Application No. B19/01
NAME: Walter Bamford
C/O Oskar Singer
ADDRESS: 189 John Buchler Road

1. REPORT HIGHLIGHTS:

- The application pertains to a proposed lot addition to add a portion of the subject lands to each abutting neighbouring land parcel for the purposes of increase lot area and shoreline.

- No new lot is being created through this application.

2. RECOMMENDATION:

It is recommended to the Township of Georgian Bay Committee of Adjustment that the request for consent to land severance to facilitate a lot addition, be approved, subject to the following conditions:

1. THAT deeds for the lot addition are submitted to the Secretary Treasurer, along with a registered copy of the survey plan.

2. THAT the proposed severed parcel ‘A’ be added to the abutting lands to the northwest, and the proposed severed parcel ‘B’ be added to the abutting lands to the southeast, and that Section 50(3)/(5) of the Planning Act, RSO 1990, Chapter P.13, be applied to all future transactions within the property.

4. THAT a complete set of digital drawing files of the reference plan shall be provided to the Township of Georgian Bay.
3. **PLANNING DATA:**

Subject Lands
Frontage: 40 metres
Area: 0.28 hectares

Benefitting Lands to Severed Parcel 'A' (183 John Buchler Road)

   Frontage: 35 metres
   Area: 0.3 hectares

   Frontage after lot addition: 59 metres
   Area after lot addition: 0.34 hectares

Benefitting Lands to Severed Parcel 'A' (197 John Buchler Road)

   Frontage: 30 metres
   Area: 0.17 hectares

   Frontage after lot addition: 46 metres
   Area: 0.41 hectares

(All measurements are approximate)

c) Township of Georgian Bay Official Plan Designation: ‘Waterfront’
d) Zoning – Shoreline Residential Type One (‘SR1’)
e) Access: John Buchler Road (Private)
g) Servicing: N/A

4. **BACKGROUND / PREVIOUS APPROVALS:**

Planning Department records indicate a previous Consent application from 2004 regarding the subject lands and the adjacent property (197 John Buchler Road). This application provided an easement over the subject lands to benefit the adjacent property regarding access over a driveway. (B/20/04)

Building Department records indicate no recent building permits.
5. **SITE CHARACTERISTICS:**

Attachment No. 1 includes a location map of the subject lands.

The subject property is currently vacant of any structures, and has a steep topographical slope down to the shoreline. There is an existing driveway that is used by the adjacent lands for access.

6. **PROPOSAL**

The application proposes to sever and add a portion of the subject lands to each adjacent land owner, for the purposes of increased lot area and shoreline. The subject lands will no longer be a lot of record if this application were to be approved.

No new parcel of land is being created through this application.

Attachment #4 to this report illustrates the Severed Parcels ‘A’ & ‘B’.

7. **PROVINCIAL POLICY STATEMENT 2014 (PPS):**

The subject lands are located within a Rural Area as defined by the Provincial Policy Statement (‘PPS’).

*Rural Areas* are defined in the PPS as ‘a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas’. The proposed application intends to increase the size of two existing lots of record by severing up the subject lands. This will increase the lot area and shoreline distance of the adjacent lots.

The proposed application is consistent with the Rural policies of the Provincial Policy Statement.

8. **DISTRICT OF MUSKOKA OFFICIAL PLAN**

The subject lands are designated ‘Waterfront’ in the District of Muskoka Official Plan (Consolidated October 3, 2014).

The proposed application will increase the lot area and shoreline distance of the adjacent lots to the subject lands. No new lot will be created as a result of this application.
The proposed application conforms to the District of Muskoka Official Plan.

9. **TOWNSHIP OF GEORGIAN BAY OFFICIAL PLAN**

The subject lands, as well as the adjacent benefitting properties are designated ‘Waterfront’ per ‘Schedule A – Settlement Patterns’ within the Township of Georgian Bay Official Plan.

**I.4.2 Consent**

I.4.2.2 states that consent may also be permitted for technical or legal reasons such as a boundary adjustment, lot additions, easements, rights-of-way, validation of titles, or other similar purposes that do not result in the creation of a new lot.

The intent of the application is not to create a new parcel of land. The application would permit the addition of 0.4 hectares to 183 John Buchler Road, and 0.24 hectares to 197 John Buchler Road.

The application conforms to the Official Plan of the Township of Georgian Bay.

10. **COMPREHENSIVE ZONING BY-LAW NO. 2014-75:**

The subject lands are currently zoned Shoreline Residential Type One (‘SR1’) within the Township of Georgian Bay Zoning By-law.

The proposed lot additions to the adjacent properties will increase the overall lot area and shoreline frontage for each parcel of land. These increases will further bring these lots into further conformity with the minimum zoning requirements within the ‘SR1’ Zone.

The subject lands are currently vacant of any structures, and therefore the proposed application will not result in the creation of any non-conforming structures.

Table 1: Proposed Zoning Provision Changes (Lot Area & Frontage)

<table>
<thead>
<tr>
<th>ZONING BY-LAW PROVISION (MINIMUM)</th>
<th>0.4 hectares</th>
<th>60.0 metres</th>
<th>0.4 hectares</th>
<th>60.0 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot</td>
<td>Existing Area</td>
<td>Existing Frontage</td>
<td>Proposed Area</td>
<td>Proposed Frontage</td>
</tr>
</tbody>
</table>
As shown in Table 1 above, the proposed application will increase the adjacent lands lot frontage and lot area. Both lots will still be undersized by definition in the Zoning By-law, however brought closer into compliance to the minimum requirements. Section 4.11.(h) states that lots which have been increased in size following the adoption of the Zoning By-law may also be permitted to be used in accordance with the provisions of Section 4.11 (Legal Non-Complying Lots).

The application complies to the Zoning By-law No. 2014-75.

11. **CIRCULATION/NOTICE OF PUBLIC HEARING:**

The Notice of Public Hearing for this consent application was sent on January 25th, 2019 by regular mail to all assessed owners of land within 800 metres of the subject property, and to various agencies and departments.

The Notices were sent in accordance with the requirements of the *Planning Act* and Regulations thereto.

12. **COMMENTS FROM DEPARTMENTS, AGENCIES & PUBLIC:**

The District of Muskoka has no objection with the application.

13. **SUMMARY**

The application for lot addition is consistent with the PPS, conforms to the general intent and purpose of the Official Plans of the District of Muskoka and the Township of Georgian Bay and that the approval of the application would represent good land use planning.
Respectfully submitted by: Victoria Lemieux, B.URPl
Planner

With the Concurrence of: Jamie Robinson, BES, MCIP, RPP
Interim Director of Development Services

Attachments:
1. Location Map
2. Site Photos (O. Singer)
3. Survey
4. Severance Sketch
LOCATION MAP

Subject Lands
189 John Buchler Road
SITE PHOTOS

Photo #1
View of existing driveway on subject lands, with approximate proposed lot line shown (facing northwest)

Photo #2
View of existing driveway on subject lands, with approximate proposed lot line shown (facing west)
Photo #1
View from subject lands towards adjacent lot east.

Photo #2
View of approximate new lot boundary along shore
SITE PHOTOS

Photo #1
View of shoreline of subject lands and adjacent properties
SEVERANCE SKETCH

SEVERED 'A'
Lands to be added to 183 John Buchler Road

SEVERED 'B'
Lands to be added to 197 John Buchler Road
PLANNING REPORT 2019-18

TO: Committee of Adjustment
FROM: Dana Suddaby, Planner
DATE: February 15th, 2019
SUBJECT: Minor Variance Application No. A18/45
NAME: Leslie Steiner
C/O Adam Steiner
ADDRESS: 20 Island 1900 Georgian Bay (Cognashene)

1. REPORT HIGHLIGHTS:

- Permit a reduction in the minimum required setback to the high water mark (177.4 contour elevation) to a dwelling from 20.0 metres to 14.8 metres.

- Permit the construction of a new detached dwelling

- The subject lands are currently vacant.

2. RECOMMENDATION:

It is recommended to the Township of Georgian Bay Committee of Adjustment that the request for a minor variance (File No. A18/45) to Zoning By-law No. 14-75, to permit a reduction in the minimum required setback from the high water mark (177.4 contour elevation) to a dwelling to 14.8 metres where 20.0 metres is required, pursuant to the Cognashene Shoreline Residential Island (SRI7) Zone of Zoning By-law No. 2014-75, be approved.
3. **VARIANCES REQUESTED:**

<table>
<thead>
<tr>
<th>Applicable Sections of Zoning By-law 2014-75</th>
<th>Variances Requested</th>
<th>Required</th>
<th>Proposed</th>
<th>Difference from Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.14 c)</td>
<td>Reduction in the minimum required setback from the high water mark (177.4 contour elevation)</td>
<td>20.0m</td>
<td>14.8m</td>
<td>5.2m</td>
</tr>
</tbody>
</table>

4. **PLANNING DATA:**

a) Lot Dimensions:
   - Lot Area: 15,821 square metres (1.6 hectares)
   - Lot Frontage: 132 metres

b) Official Plan Designation: Waterfront – Cognashene Coastal Waterfront Community

c) Zoning: Cognashene Shoreline Residential Island (SRI7) Zone

d) Servicing: Private Services

e) Access: Water Access

f) Site Inspection: Completed by Dana Suddaby on September 11th, 2018.

   - Original Shore Road Allowance: N/A
   - Fish Habitat: Type 2 - General
   - Lake Classification: Moderate Sensitivity
5. **BACKGROUND / PREVIOUS APPROVALS:**

Planning Department records indicate that a Zoning By-law Amendment Application was submitted and approved to remove the Hold (H2) Zone on the subject lands. The By-law (2018-103) was passed by Council on October 9th, 2018.

Building Department records indicate that building permits have been issued in 2018 for a detached dwelling (18-477) and a septic (18-389). The property is currently vacant. The minor variance application is to relocate the dwelling that the permit was issued for.

6. **SITE CHARACTERISTICS:**

The subject lands are comprised of an irregular shaped parcel which is water access only. A location map is included as Attachment No. 1.

The subject lands are currently vacant and well vegetated with mature vegetation. There is a relatively flat building envelope, however there is a slope located to the south side of the proposed building envelope. The shoreline is well vegetated.

Attachment No. 2 contains a site plan of the proposed development. Site photos are included as Attachment No. 3 which illustrates the property’s existing vegetation and proposed development area.

Attachment No. 4 includes building drawings and elevations of the proposed development.

Adjacent land uses include detached dwellings and accessory structures on neighbouring properties.

7. **DISTRICT OF MUSKOKA OFFICIAL PLAN:**

The subject property is designated ‘Waterfront’ in the District of Muskoka Official Plan (Consolidated October 3, 2014).

Section D.17 states that the Waterfront is a sensitive area and as such permitted uses are limited to single unit residential dwellings.

Section D.20 states that the maintenance of the shoreline of lakes and rivers is key to preserving the natural and cultural heritage of Muskoka within the Waterfront designation. Tree cover, vegetation and other
natural features are encouraged to be retained to uphold the visual and environmental integrity of the Waterfront.

The proposed detached dwelling is consistent with the form of shoreline residential development that is envisioned by the District of Muskoka Official Plan in the 'Waterfront' designation.

8. **CIRCULATION/NOTICE OF PUBLIC HEARING:**

A Notice of Public Hearing for this minor variance application was sent on January 25th, 2019 by regular mail to all assessed owners of land within 800 metres of the subject property, and to various agencies and departments.

The Notices were sent in accordance with the requirements of the Planning Act and Regulations thereto as well as the applicable policies of the Township of Georgian Bay Official Plan.

9. **COMMENTS FROM DEPARTMENTS, AGENCIES & PUBLIC:**

At the time of report preparation, one letter of support was received from Paul Bastedo. One letter of objection was received from Marshall and Janet Gates.

10. **PLANNING ANALYSIS:**

    **Four Tests**

When considering this application, the Committee must consider the four tests as outlined in Section 45(1) of the Ontario Planning Act. This Section of the Report will review the review the four tests.

    a) Maintain general intent and purpose of the Official Plan(s)

Section F.1.2 of the Township’s Official Plan establishes the Basis and Principles for the Waterfront Designation. Section F.1.2.1 recognizes that limited development should be permitted that enhances and protects the natural heritage qualities of the Waterfront Designation. Section F.1.2.4 requires development to have regard for the aesthetic quality of the waterfront area and Section F.1.2.5 requires development to be compatible with existing land uses in the area. Section F.1.3.2 recognizes that the Character of the Waterfront Designation will be maintained by retaining the overall low density and
built form and development while generally preserving the shoreline in a natural and undeveloped appearance. The application proposes a detached dwelling. The proposed detached dwelling is sited in a location that is relatively flat and shoreline vegetation will be maintained with the exception of some vegetation within the building envelope.

Section F.5.10.8.4 refers to Built Form within the Cognashene Waterfront Community. The size and number of buildings, combined with their location on a site, have direct impact on the visual Character of the Waterfront Community. The intent is to maintain a balance between the natural environment and Build Form.

The size of a dwelling shall not exceed a Gross Floor Area of 25 square metres per 1,000 square metres of lot area or 2 square metres per metre of Frontage, whichever is less, to a Maximum Gross Floor Area of 325 square metres. Based on the lot area and frontage, the maximum Gross Floor Area permitted would be 268.4 square metres and the application proposes 123.95 square metres, which is under the maximum permitted.

Section F.5.10.8.4 a) iii) restricts height to 1.5 stories in height. Section F.5.10.8.4 a) v) states that where a front yard setback cannot be met the height of the dwelling may be reduced. In this application, the dwelling is proposed to be 1-storey in height.

The proposed development conforms with the general intent of the Official Plan which is to recognize that limited development should be permitted that enhances and protects the natural quality of the Waterfront designation and maintains the integrity and aesthetic quality of shoreline areas. The proposed development will not disturb the natural integrity of the shoreline.

b) Maintain the general intent and purpose of the Zoning By-law

The subject lands are zoned Cognashene Shoreline Residential Island (SRI7) Zone on Schedule ‘A’ (Map No. 98).

Section 4.14 c) requires a minimum setback of 20.0 metres to a dwelling from the high water mark (177.4 contour elevation). The minor variance application requests a reduction in the setback from the high water mark to 14.8 metres to the dwelling wall to facilitate the construction of a detached dwelling.
The intent of the setback from the high water mark is to ensure buildings and structures are appropriately setback from the water and ensure that the aesthetic quality of the waterfront area is protected. The required setback from the high water mark also provides an area for vegetation protection adjacent to the high water mark. The setback also maintains an appropriate distance and elevation for structures from the high water mark.

The applicant submitted a building permit application for the construction of the detached dwelling in a location that complied with the Zoning By-law. The original dwelling location required tree removal and was visible from the lake. The applicant has since revised the location of the proposed cottage to an area of naturally flat bedrock that is less visible and requires minimal tree removal.

The location of the reduced setback to the high water mark is an area of low land between the adjacent neighbouring property to the South. During high water, there is potential for water to reach this location.

The proposed dwelling meets the intent of the setback to the high water mark (177.4 contour elevation). The location of the reduced setback to the high water mark also seems to be the interior side lot line which requires a 5.0 metre setback. The setback to the lot line in this location is 20.7 metres.

The proposed development appears to otherwise comply with all other applicable zone provisions of Zoning By-law No. 2014-75 as it relates to the Cognashene Shoreline Residential Island (SRI7) Zone.

c) Be desirable for the appropriate development or use of the land, building or structure

The applicant has selected a buildings location where the proposed cottage will not impact the character of the area. The development proposal has been designed to be incorporated into the existing site context with an emphasis on retaining existing vegetation and appropriate building design. The proposed dwelling will be located on an area of naturally flat bedrock with minimal vegetation to be removed. The dwelling maintains an appropriate setback from the neighbouring properties as it exceeds the minimum required side yard setback. In order to maintain the existing vegetation and protect the shoreline, Site Plan Control is recommended as a condition of approval.
d) Be minor

In consideration of the foregoing, the application for minor variance to Zoning By-law No. 14-75 is deemed minor as the reduced setback from the high water mark will not negatively impact the aesthetic integrity of Waterfront Community as any visual impact will be mitigated by existing vegetation along the shoreline and between property lines.

It is Staff’s opinion that the application, as submitted, meets the above tests.

13. PLANNING COMMENTS

The applicant has been advised of the Site Plan Control process and the additional fees associated with it.

14. OPTIONS AND CONDITIONS:

Based on the information provided in support of this application, the Committee of Adjustment may choose to:

1) Approve the application subject to the following conditions:

   a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

   b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas, in the manner prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control; and,

   c) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structure;

2) Deny the application; or,

3) Defer the application and require more information from the applicant.
Respectfully submitted by: Dana Suddaby, M.Sc.
Planner

With the Concurrence of: Jamie Robinson, BES, MCIP, RPP
Interim Director of Development Services

Attachments:
1. Location Map.
2. Survey.
3. Site Photos (September 11th, 2018)
4. Building Elevations and Floor Plans
Site Photos: 20 Island 1900 Georgian Bay
September 11, 2018.

Figure 1 west view of island

Figure 2 proposed development area
Figure 3: Vegetation between neighbouring property (side of reduced setback)

Figure 4 eastern view
Figure 5 view to east
A18-45 STEINER (20 Island 1900 Georgian Bay) Re: To permit a decrease i...
Members Present
Member Mike Ferguson
Member David Matthews
Member Ken Albrough
Acting Chair Tom Hill
Member Cynthia Douglas
Member Brian Bochek

Staff Present
Jamie Robinson, Interim Director of Development Services
Dana Suddaby, Planner
Victoria Lemieux, Planner
Lauren Millar, Planning/Septic Technical Assistant & Secretary-Treasurer

Call to Order
9:01 a.m.

Declaration of Pecuniary Interest
None.

Public Hearing to Consider Consent Applications
None.

Public Hearing to Consider Minor Variance Applications

A18-39 (ZHAO)
Re: 423 Crooked Bay Road

To permit an increase in the maximum permitted height of a detached garage where 4.5 metres is permitted to 5.6 metres to facilitate the construction of a detached garage, pursuant to the Six Mile Lake Residential (SR6) Zone of Zoning By-law 2014-75.

Ms. Suddaby provided additional information on the application.
Ms. Millar stated there was no correspondence received.

There were no public comments.

The Applicant, Joel Desilva was present and had no further comments.

Member Douglas asked why the applicant needed an increased in height.

Mr. Desilva stated he wanted to use the extra height for more storage.

Member Ferguson wanted to confirm if there would be any living space in the garage.

Ms. Suddaby stated the applicant would need to apply for a building permit and would need to comply with the Zoning By-law requirements for square footage if he were to do any structural work.

Member Matthews asked about the setback reduction and vegetation listed in the report.

Ms. Suddaby stated there was an error in the report.

Member Ferguson stated he would support the application with the buffer of trees.

Chair Hill also stated his support.

**COA - 02 – 2019**

**DOUGLAS/ALBROUGH**

BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18-39 to Zoning By-law No. 2014-75 for

423 Crooked Bay Road to permit an increase in the maximum permitted height of a detached garage where 4.5 metres is permitted to 5.6 metres to facilitate the construction of a detached garage, pursuant to the Six Mile Lake Residential (SR6) Zone, subject to the following:
a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas, in the manner prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control;

c) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structure.

CARRIED

A18-40 (DOWSE)
Re: 176 Holiday Road

To permit an increase in the maximum width of a dwelling where 25 percent of lot frontage (16.0 metres) is permitted to 33.3 percent of lot frontage (21.3 metres), to permit a reduction in the minimum required front yard setback to a dwelling where 20.0 metres is required to 17.8 metres and to permit a reduction in the minimum required front yard setback to a septic system where 30.0 metres is required to 15.0 metres in order to facilitate the construction of a detached dwelling and an expansion of an existing septic system, pursuant to the Six Mile Lake Residential (SR6) Zone of Zoning By-law 2014-75.

Ms. Suddaby provided additional information of the application.

Ms. Millar stated no correspondence was received.

The Agent, Nathan Buhler, was present and stated the site is challenging and they have done their best to be as sensitive as possible to their neighbours.

There were no public comments.

Member Bochek asked about what type of septic they would be using.
Mr. Buhler stated they might use a waterloo system or another type which is waiting for approval.

Member Ferguson stated he went to the site and he believes they did a great job trying to fit the building on the property.

Member Matthews stated he also visited the site, he stated there was quite a bit of trees that had been cleared.

The Applicant stated the neighbouring property has taken some trees down, however on their property there shouldn’t be any trees cut down, however there was some deadfall which has been there for some time.

Chair Hill stated he would support the application given the difficult layout of the property.

Chair Hill asked about the measurement for width of the cottage.

Ms. Suddaby stated on a peninsula they use the more restrictive provisions.

Member Ferguson stated the project was staked out which was very helpful in determining where things would go.

**COA - 03 – 2019**

**ALBROUGH/FERGUSON**

BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18-40 to Zoning By-law No. 2014-75 for 176 Holiday Road to permit an increase in the maximum width of a dwelling where 25 percent of lot frontage (16.0 metres) is permitted to 33.3 percent of lot frontage (21.3 metres), to permit a reduction in the minimum required front yard setback to a dwelling where 20.0 metres is required to 17.8 metres and to permit a reduction in the minimum required front yard setback to a septic system where 30.0 metres is required to 15.0 metres in order to facilitate the construction of a detached dwelling and an expansion of an existing septic system, pursuant to the Six Mile Lake Residential (SR6) Zone, subject to the following:

a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;
b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas, in the manner prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control;

c) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structure.

CARRIED

A18-41 (AQUINO)
Re: 155 West Shore Road

To permit a minimum front yard setback to the main dwelling where 20.0 metres is required to 15.54 metres, to permit a minimum front yard setback to a deck where 16.0 metres is required to 10.47 metres, to permit a maximum height of a main dwelling where 8.0 metres is permitted to 8.2 metres, to facilitate the development of a new single family detached dwelling and deck, pursuant to the Shoreline Residential Type One (‘SR1’) Zone of Zoning By-law No. 2014-75.

Ms. Lemieux provided additional information on the application.

Ms. Millar stated no correspondence was received.

The Applicants, Stephanie and David Aquino were present and had no further comments.

Mr. Staroba, a neighbour, stated he feels the application is appropriate and has no objections.

Member Douglas stated the land was very limiting and commended the applicant’s for their design.

Mr. Aquino stated he didn’t want to blast rock or cut down trees, and that they bought the property because it is very private.
Member Matthews stated he would support the application and commended the applicant for moving the building back further from the water.

Chair Hill also supported the application and asked about restoring vegetation in front of the dock.

Mr. Robinson stated he could provide the applicants with a Department of Fisheries and Oceans best practise guide for shorelines in order to educate the applicants on appropriate vegetation.

Member Albrough stated he thinks it will be difficult to revegetate the area.

The Applicant stated there is a small area which has top soil in which vegetation will be able to grow.

**COA - 04 – 2019**

**ALBROUGH/DOUGLAS**

BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18/41 to Zoning By-law No. 2014-75 for 155 West Shore Road to permit a minimum front yard setback to the main dwelling where 20.0 metres is required to 15.54 metres, to permit a minimum front yard setback to a deck where 16.0 metres is required to 10.47 metres, to permit a maximum height of a main dwelling where 8.0 metres is permitted to 8.2 metres, to facilitate the development of a new single family detached dwelling and deck pursuant to the Shore Line Residential One (SR1) Zone, subject to the following:

a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas, as well as include the mitigation measures outlined in ‘Environmental Impact Assessment Report’ by LGL Limited (November 2018), in the matter prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control;
c) THAT confirmation from a licensed septic installer is provided to confirm that the existing septic system is sufficient to service the proposed new dwelling; and,

d) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structure.

CARRIED

A18-42 (AQUINO)
Re: 159 West Shore Road

To permit a minimum front yard setback to the main dwelling where 20.0 metres is required to 16.16 metres, to facilitate the development of a new single family detached dwelling, pursuant to the Shoreline Residential Type One (‘SR1’) Zone of Zoning By-law No. 2014-75.

Ms. Lemieux provided additional information on the application.

Ms. Millar stated no correspondence was received.

The Applicants, Mr. and Ms. Aquino were present and stated that the slope of the land was the main reason for requesting the variance.

There were no public comments.

Member Matthews asked if the hydro line was on the survey.

Mr. Aquino stated he met Hydro Ontario on site and they have relayed that there is no concern with moving the line.

Chair Hill asked if this would be considered a cottage or a garage.

Ms. Lemieux stated it would be considered a cottage.

Member Ferguson stated normally hydro lines require a setback, he asked the applicant to investigate fully.

The Applicants agreed.
BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18-42 to Zoning By-law No. 2014-75 for 159 West Shore Road to permit a minimum front yard setback to the main dwelling where 20.0 metres is required to 16.16 metres to facilitate the development of a new single family detached dwelling pursuant to the Shoreline Residential Type One (SR1) Zone, subject to the following:

a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas, as well as include the mitigation measures outlined in ‘Environmental Impact Assessment Report’ by LGL Limited (November 2018), in the matter prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control;

c) THAT confirmation from a licensed septic installer is provided to confirm that the exist septic system is sufficient to service the proposed new dwelling; and,

d) THAT approval of this variance expires three years from the date of decision if building permits have not been issues for the approved structure.

CARRIED

A18-44 (CANIZARES)
Re: 36 Beech Ave.

To permit an increase in the maximum permitted lot coverage where 10% is permitted (21.6% currently exists) to 31.8% in order to facilitate the construction of an addition, pursuant to the Residential Type One (R1) Zone of Zoning By-law No. 2014-75.

Ms. Suddaby provided additional information on the application.
Ms. Millar stated six letters of opposition were received from Rudolf Kurz, Margarete Cameron on behalf of the Stewart Lake Association, John Struthers, Greg Stonner and Louise Rivett stating concerns with lot coverage, privacy and increased traffic.

The Applicants, Joel Tanner and Lindsey Bruce from Smpl Design Studio were present and addressed some of the concerns listed in the correspondence. Mr. Tanner stated that the property should have been zoned R1 originally. He stated there is adequate parking and owners are a growing family, they wanted additional space above the garage for grandchildren.

Margaret Cameron, president of Stewart Lake Association, was present and commented that one of their mandates is to provide owners with education on vegetation buffer and stewardship on the lake. She stated that the property is already highly visible and requested that a site plan agreement be implemented and rigorously enforced.

Member Douglas asked the Planner if this property requires a rezoning why it hasn’t gone to Council prior to the application being brought forth.

Ms. Suddaby stated that it would be a rezoning done though a housekeeping amendment and the applicants will wait until the next housekeeping amendment goes through Council.

Member Douglas asked what the coverage would be after the rezoning.

Ms. Suddaby stated the coverage would be over by 1.8% after the rezoning.

Member Matthews stated he is concerned that Committee would be approving a variance based on the assumption that the property would be rezoned in the future.

Member Douglas asked why this particular property was not already zoned Residential Type Four (R4).

Mr. Robinson stated that in 2007 pre-servicing all properties were zoned R1 when servicing came to the lots they were rezoned to R4 to reflect their serviced status. For some reason the mapping was mislabelled and never updated for this particular parcel.
Mr. Robinson stated it is appropriate for Committee to be considering the variance given the fact that the Planner has identified that it meets the four test under both sets of circumstances, whether zoned R4 or R1.

Member Bochek stated he would like to defer until Council makes a decision on the zoning.

Member Albrough stated that it is clear to him that the zoning is incorrect and he would not support a deferral since the applicants need to prepare their plans for the spring and he believes it would be unfair to make them wait.

Member Ferguson asked if there was a required side yard setback.

Ms. Suddaby stated there was.

Member Ferguson stated that it looked that the deck was encroaching on the neighbours property.

Member Hill stated he also did a site visit and he found the survey stakes, he said there are some physically under the deck.

Member Douglas asked if the deck was in compliance when it was built.

Ms. Suddaby stated the deck was built in 2014.

Mr. Robinson stated they did not look into the permits, and that weather it was a replacement of a legal non confirming or if it did meet the setbacks. This is not what the Committee is being required to debate.

Member Douglas stated she is of the opinion that we try to work with the public on both sides and she would like to get a consensus and not defer.

Mr. Robinson stated there are some benefits to hearing the application now where a site plan agreement can be implemented as a condition.

Member Bochek stated that he would like to see the application move forward but is not comfortable with the 31.8% overage.
There was an appetite to defer the application until the rezoning had been passed.

**COA - 06– 2019**  
**MATHEWS/BOCHEK**

BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18-44 to Zoning By-law No. 2014-75 for 36 Beech Avenue to permit an increase in the maximum permitted lot coverage where 10% is permitted (21.6% exists currently) to 31.8% in order to facilitate the construction of an addition, pursuant to the Residential Type One (R1) Zone, subject to the following:

- a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

- b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas and proposed planting, in the manner prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control,

- c) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structure.

**DEFERRED**

A18-47 (ARMSTRONG)  
Re: 4 Island 1460 Georgian Bay

To permit a reduction in the minimum required front yard setback to a septic to 27.6 metres where 30.0 metres is required to facilitate the construction of septic system, pursuant to the Shoreline Residential Island Type Two (SRI2) Zone of Zoning By-law No. 2014-75.

Ms. Suddaby provided additional information on the application.

The Agent, Peter Armstrong, was present and stated he is looking to build a sleeping cabin which is why he needs a particular septic system.
There was no public comments.

Member Ferguson stated he would support the application.

Member Matthews asked if the septic would be able to come two meters closer towards the sleeping cabin to comply.

Ms. Suddaby stated the it would not be possible to move it further back due to the topography.

Member Bochek asked if the septic system would be shared by the cottage and the cabin?

Ms. Suddaby stated the septic will be a shared system between the cottage and sleeping cabin.

Mr. Fedoriw, Chief Building Official, stated that in his opinion the septic is in the best location given the system and physical features of the land.

Member Bochek asked if having a holding tank that far away from the main unit will be a problem?

Mr. Fedoriw stated there are pumps that will pump a significant amount. Given the size of the cottage they could have gotten by with a smaller septic for three bedrooms but opted for the 4 bedroom sized larger septic.

**COA - 07 – 2019**
**BOCHEK/ MATHEWS**

BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18-47 to Zoning By-law No. 2014-75 for 4 Island 1460 Georgian Bay to permit reduction in the minimum required front yard setback to a septic to 27.6 metres where 30.0 metres is required to facilitate the construction of septic system, pursuant to the Shoreline Residential Island Type Two (SRI2) Zone, subject to the following:
a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development, in the manner prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control; and,

c) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structure.

CARRIED

5. Applications not Subject to a Public Meeting

A18-34 (VANDERWAL)
Re: 14 Bluewater Road

To permit a reduction in the minimum required side yard setback (south) to a proposed rental dwelling where 10.0 metres is required to 1.22 metres, pursuant to the Tourist Commercial (CT-1) Zone.

Mr. Robinson provided additional information on the application.

Member Hill asked if the existing structures they have rights.

Mr. Robinson stated that if the structure is legal non-complying then they would have rights and not need to be removed.

If they are not legal then yes the Township would want those structures to comply.

Member Bocheck stated the setback in which the applicant was seeking relief from is the neighbouring property which the applicant owns.

Rick Vanderwal stated he has already set up a meeting wit the Planners regarding the Site Plan agreement.

COA – 08 – 2019
DOUGLAS / ALBROUGH

BE IT RESOLVED THAT the Township of Georgian Bay Committee of Adjustment approves Minor Variance Application A18-34 to Zoning By-law No. 2014-75 for 14 Bluewater Road to permit a reduction in the minimum required side yard setback (south) to a proposed rental dwelling where 10.0 metres is required to 1.22 metres, pursuant to the Tourist Commercial (CT-1) Zone, subject to the following:

a) THAT approval of this variance is granted and fixed to the subject site plan, extent, location, scale and use contemplated in the application;

b) THAT a Site Plan Control Approval application be submitted, and approved, and that a Site Plan Agreement be executed, detailing the proposed development and vegetation protection areas, in the matter prescribed by the applicable policies of the Township of Georgian Bay Official Plan as they relate to the administration of Site Plan Control; and

c) THAT approval of this variance expires three years from the date of decision if building permits have not been issued for the approved structures.

d) THAT approval of this variance is based upon the ability of the property to accommodate a new septic system in accordance with the requirements of the Building Department.

CARRIED

Approve Minutes of Previous Meeting

COA - 09 – 2019
ALBROUGH/DOUGLAS

BE IT RESOLVED THAT THE Township of Georgian Bay Committee of Adjustment approves the minutes of December 14th 2018 as amended.

Adjournment

COA - 010 – 2019
ALBROUGH/DOUGLAS
BE IT RESOLVED THAT THE Township of Georgian Bay does now adjourn at 11:04 until February at 9:00 or at the call of the Chair.