1. **CONVENE**

   Moved by Brandon Stapleton and seconded by Kenneth Donald  
   
   **BE IT RESOLVED THAT:** We do now convene as a Committee of Adjustment at 10:01 a.m.  
   
   Carried.

2. **ADOPTION OF AGENDA**

   Moved by Nancy Alcock and seconded by Brandon Stapleton  
   
   **BE IT RESOLVED THAT:** The Committee of Adjustment Agenda dated February 13, 2019, be hereby adopted as printed and circulated.  
   
   Carried.

3. **DISCLOSURE OF PECUNIARY INTEREST**

   Brandon Stapleton:  
   Item 5.3: DEV-2019-24 – A/01/2019/HTE – Martin & MacDonald – 146 Peacock Bay Road – for personal reasons
4. MINUTES

Moved by Nancy Alcock and seconded by Brandon Stapleton

BE IT RESOLVED THAT: The Committee of Adjustment meeting minutes dated January 16, 2019, and the recommendations contained therein be hereby adopted as printed and circulated.

Carried.

5. MINOR VARIANCES – PUBLIC MEETINGS


Elizabeth Reimer outlined the report.

Chair Stone called upon the applicant or their representative to provide additional comments.

Rick Brooks, representing the applicant, explained that the applicant had explored options to own a building for a number of years and intended to occupy the building for a long term. Mr. Brooks further explained that the façade would represent a Muskoka style and that the subject lands would be revegetated with native species.

Chair Stone asked if there was anyone present that wished to provide comments or ask questions regarding the application.

Nil

Chair Stone asked if there were any questions or comments from Committee members.

Committee expressed support for the proposed development.

Moved by Nancy Alcock and seconded by Brandon Stapleton

BE IT RESOLVED THAT: The Committee of Adjustment APPROVE Minor Variance Application A/54/2018/HTE, the purpose and effect of which is to provide relief from subsection 5.4.4 of Comprehensive Zoning By-law 2008-66P, in order to:

- increase the permitted lot coverage from 25% to 27.2%;
- reduce the required front yard setback from 15.0m to 12.55m;
- reduce the northerly interior side yard setback from 5.0m to 3.05m; and
- reduce the rear yard setback abutting a residential zone from 15.0m to 9.53m.

Carried.
Peacock Bay Road

Brandon Stapleton left Council Chambers at this time due to a pecuniary interest.

Elizabeth Reimer outlined the report.

Chair Stone called upon the applicant or their representative to provide additional comments.

Lanny Dennis, representing the applicant, outlined the following:

- The existing driveway to access the dwelling is below the flood elevation.
- The flood elevation identified in the planning report is higher than the stillwater elevation of Lake Vernon, and the property would only be affected by a flood of 10-12 feet;
- The first floor of the addition functioned as a garage;
- Any habitable space in the second storey would be removed
- The property is not overbuilt;
- The Official Plan is not prohibitive and allows flexibility to address site-specific circumstances;
- The structures had not experienced flooding during extreme flood events in the past;
- The zoning by-law permits dryland boathouses along the shoreline and the only difference is that a garage would be used to store vehicles rather than boats;
- The visual and environmental impacts of a boathouse would be far greater than the garage addition;
- The fish habitat assessment had not identified any impacts provided mitigation measures were implemented;
- The addition is no closer to the water than the existing dwelling and the visual and environmental impacts have already been established;
- It was his opinion that the application passes the four tests of a minor variance.

Chair Stone asked if there was anyone present that wished to provide comments or ask questions regarding the application.

-Nil-
Chair Stone asked if there were any questions or comments from Committee members.

Committee questioned if the addition had already been built and why the applicant had not sought approvals prior to construction.

Ms. Reimer clarified that the addition had been built without the benefit of a building permit.
Terry Shakespeare, representing the applicant, stated that the addition had been built by his grandfather and it was discovered during a potential purchase that the building permits were outstanding for the addition. Mr. Shakespeare stated that the applicant had applied for a building permit for a boatport in 2004.

Committee questioned whether the flood elevations were accurate compared to the updated study provided by the applicant.

Kirstin Maxwell clarified that the original flood elevation study completed by the Ministry of Natural Resources and Forestry had proven quite accurate during flood events, and noted that winter lake levels are much lower than summer levels.

Committee questioned if the addition contained habitable space.

Ms. Reimer stated that it appeared to contain habitable space based on a site visit, and that the approved building permit for a boatport showed minimal attic space not conducive to habitable space.

Committee questioned if the first storey of the addition was a garage.

Mr. Dennis stated that the first storey was finished with a dirt floor and garage doors, and that the only use was for the storage of motor vehicles.

Committee questioned the requirement for safe access.

Ms. Reimer clarified that while the policies speak to safe access, no expansion or new development is permitted in a flood plain regardless of whether access can be provided.

Committee questioned if there was new development.

Mr. Shakespeare clarified that he had been refinishing the existing walls.

Committee questioned how to ensure that the addition is not used for habitable space.

Mr. Dennis suggested that the removal of habitable space could be included as a condition of approval, and that the property would also be subject to site plan approval.

Committee questioned the height of the space in the second storey.

Mr. Shakespeare stated that he believed it was four feet from the floor to the trusses.

Ms. Reimer noted that staff had observed a full sized door on the lakeside face of the addition, suggesting a height greater than four feet and that
there was no planning tool to enforce whether it was being used as habitable space.

A discussion occurred regarding the definition of habitable space under the Ontario Building Code.

The matter was continued further below.

5.3 Report Number DEV-2019-24 - A/01/2019/HTE - Martin & MacDonald - 146 Peacock Bay Road

Elizabeth Reimer outlined the report.

Chair Stone called upon the applicant or their representative to provide additional comments.

Lanny Dennis, representing the applicant, outlined the following:

- The existing driveway to access the dwelling is below the flood elevation.
- The flood elevation identified in the planning report is higher than the stillwater elevation of Lake Vernon, and the property would only be affected by a flood of 10-12 feet;
- The first storey of the proposed garage would be for vehicle storage and the second storey would have no habitable space;
- The size of the proposed garage had been reduced to 58 square metres to comply with the maximum size permitted in the zoning by-law;
- The overall development would be below the permitted lot coverage so it would not be overbuilt;
- The Official Plan is not prohibitive and allows flexibility to address site-specific circumstances;
- A garage is permitted in the Natural Resource zone, and the visual and environmental impacts of a boathouse would be far greater than the garage addition;
- To address Official Plan policies related to environmental impacts, the garage is proposed to be constructed behind the existing dwelling in a cleared area to minimize environmental disruption;
- Abutting neighbours had provided letters of support;
- The application passes the four tests of a minor variance.

Chair Stone asked if there was anyone present that wished to provide comments or ask questions regarding the application.

Nil

Chair Stone asked if there were any questions or comments from Committee members.
Committee questioned when the owner had purchased the property and if they were informed of the zoning restrictions at the time.

Marnie Martin, applicant, stated that she had purchased the property within the last year and had been told by Planning staff prior to purchase that a variance would be required.

Committee questioned if there would be habitable space in the second storey.

Mr. Dennis stated that the structure was defined as a two-storey garage due to the attic trusses but that there would be no upper floor.

A discussion occurred regarding the policies for development in a flood zone and whether the policies have regard for the type of structure proposed.

Ms. Reimer clarified that Official Plan and Provincial Policy Statement policies direct development away from hazardous lands and do not differentiate between habitable and non-habitable structures.

Committee questioned if approving the application would set a precedent.

Ms. Reimer stated that each proposal is evaluated on its own merits, and recommendations are based on policy, not precedence.

Moved by Kenneth Donald and seconded by Nancy Alcock

C0A15-19

BE IT RESOLVED THAT: Committee of Adjustment DENY Minor Variance Application A/01/2019/HTE.

Motion to Amend

Moved by Jason FitzGerald and seconded by Kenneth Donald

C0A16-19

BE IT RESOLVED THAT: The following word be hereby deleted: DENY

AND FURTHER THAT: The following wordy be hereby inserted in its place: APPROVE

AND FURTHER THAT: The following paragraph be inserted:
the purpose and effect of which is to provide relief from subsection 5.9.3, to allow for a two storey detached garage to be built in a Natural Resource (NR) Zone.
Recorded: Brandon Stapleton declared a pecuniary interest due to personal reasons.

Carried.

Main Motion as Amended

Moved by Jason FitzGerald and seconded by Kenneth Donald

C0A17-19

BE IT RESOLVED THAT: The Committee of Adjustment APPROVE Minor Variance Application A/01/2019/HTE, the purpose and effect of which is to provide relief from subsection 5.9.3, to allow for a two storey detached garage to be built in a Natural Resource (NR) Zone.

Recorded: Brandon Stapleton declared a pecuniary interest due to personal reasons.

Carried.

Brandon Stapleton returned to Council Chambers at this time.


Curtis Syvret outlined the report.

Chair Stone called upon the applicant or their representative to provide additional comments.

John Gallagher, representing the applicant, outlined the following:

• The existing dwelling on the property had been destroyed in a fire;
• The addition would make the dwelling more rectangular rather than the previous irregular shape;
• Meetings with staff had determined that the dwelling should be set back 15 metres from the water and additional buffering be implemented;
• The proposed dwelling would be a one-storey structure;
• The development envelope was restricted by the existing septic system to the rear;
• Approximately 12 square metres of the addition would encroach into the required setback;
• The proposed dwelling would be in keeping with other dwellings in the area;
• The proposal meets the four tests of a minor variance and the applicant had no objection to the proposed conditions of approval.

Chair Stone asked if there was anyone present that wished to provide comments or ask questions regarding the application.

Nil
Chair Stone asked if there were any questions or comments from Committee members.

Chair Stone questioned if the four accessory structures exceeded the permitted number.

Mr. Syvret clarified that the accessory structures had legal non-conforming status, and that the applicant would be required to remove the encroaching structures, or purchase the original shore road allowance and enter into a license of occupation agreement with the District of Muskoka.

Mr. Gallagher stated that the applicant would negotiate with the District regarding the encroaching structures.

Committee questioned if the applicant was required to purchase the original shore road allowance.

Mr. Syvret clarified that Town policy would require the applicant to purchase or to remove the encroaching structures.

Moved by Kenneth Donald and seconded by Nancy Alcock

BE IT RESOLVED THAT: The Committee of Adjustment APPROVE Minor Variance Application A/52/2018/HTE, the purpose and effect of which is to provide relief from subsections 5.3.4 (vi) and 5.3.4 (vii) of Comprehensive Zoning By-law 2008-66P, in order to:

• Reduce the front yard setback from 20m to 15m;
• Reduce the interior side yard setback from 6m to 3.85m, all for a single family dwelling only;

CONDITIONAL ON: The Original Shore Road Allowance being stopped up, closed and purchased or the encroaching structures being removed.

Carried.


Curtis Syvret outlined the report.

Chair Stone called upon the applicant or their representative to provide additional comments.

Lanny Dennis, representing the applicant, outlined the following:

• The existing building that encroaches on a neighbouring property will be removed;
• The proposed development is below the maximum permitted for accessory and principal lot coverage and is not overbuilt;
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- The area is characterized by linear residential structures;
- The proposed cottage is further back from the shoreline than the existing cottage to the south;
- The owners have been good land stewards and retained vegetation along the shoreline and side lot lines;
- The proposed dwelling was oriented toward the main body of the lake to minimize impact on neighbouring properties and those on the opposite side of the canal;
- The proposed dwelling would be one storey at the back and two at the front with a walkout basement;
- Moving the dwelling further from the lake would cut into the tree cover along the canal and would increase the height of the proposed structure;
- The inclusion of the attached garage would minimize the number of accessory buildings to reduce the visual impact of development;
- Relocating the dwelling to meet the required setback would impact the neighbour to the south;
- The proposed location of the boathouse and dock would allow a gentle pathway to the shoreline and avoid the steep embankment along the canal;
- The new septic system would comply with the 30 metre setback from water;
- Approximately 28% of the proposed dwelling encroached on the 30 metre setback and the dwelling had been pushed further back from the water in response to the Fairy Lake Association’s comments;
- An additional report had been prepared by a biologist that found no associated impact with regards to water quality due to the reduced setback;
- The intended location is appropriate and desirable, the variance is minor in nature, and the proposal meets the intent of the Official Plan and Zoning By-law.

Mark Firman, also representing the applicant, stated that the boathouse had been located outside of the narrow part of the canal and that moving the dwelling back would cause the need for an additional amenity area with hard landscaping to access the boathouse.

Chair Stone asked if there was anyone present that wished to provide comments or ask questions regarding the application.

Nil

Chair Stone asked if there were any questions or comments from Committee members.

Committee questioned if the proposed dwelling would encroach on the 30 metre setback from fish habitat.
Mr. Syvret clarified that the only Type 1 fish habitat identified by the biologist was much further down the canal.

Moved by Brandon Stapleton and seconded by Kenneth Donald  

BE IT RESOLVED THAT: The Committee of Adjustment APPROVE Minor Variance Application A/55/2018/HTE, the purpose and effect of which is to provide relief from subsection 5.3.4 (vi) of Comprehensive Zoning By-law 2008-66P, in order to reduce the front yard setback from 30m to 20m for a single family dwelling only.

Carried.

5.6 Report Number DEV-2019-25 – A/02/2019/HTE – 3061 Old Muskoka Road – Friday

Curtis Syvret outlined the report.

Chair Stone called upon the applicant or their representative to provide additional comments.

Scott Friday, applicant, stated that he was present but had no comment.

Chair Stone asked if there was anyone present that wished to provide comments or ask questions regarding the application.

Nil

Chair Stone asked if there were any questions or comments from Committee members.

Nil

Moved by Brandon Stapleton and seconded by Kenneth Donald  

BE IT RESOLVED THAT: The Committee of Adjustment APPROVE Minor Variance Application A/02/2019/HTE, the purpose and effect of which is to provide relief from subsections 3.1.5 (a) and (c) of Comprehensive Zoning By-law 2008-66P, in order to:

- reduce the interior side yard setback from 6m to 2.74m for a detached two-storey garage only;
- increase the permitted footprint of a detached two storey garage from 60m² to 79m².

Carried.


Brandon Stapleton left Council Chambers at this time due to a pecuniary interest.
Matter was continued from above.

Christopher Nagy outlined the definition of ceiling height in the Ontario Building Code, noting that a space less than 6.6 feet in height would not constitute ceiling height. Mr. Nagy noted that he was unable to determine whether the second storey constituted habitable space based on the information provided and that the applicant’s designer should provide further information.

Moved by Kenneth Donald and seconded by Nancy Alcock  

**BE IT RESOLVED THAT:** Committee of Adjustment DENY Minor Variance Application A/53/2018/HTE.

**Motion to Defer**

Moved by Jason FitzGerald and seconded by Nancy Alcock  

**BE IT RESOLVED THAT:** The matter of Minor Variance Application A/53/2018/HTE be deferred until staff have received further information from the applicant regarding reflected ceiling plan, height and floor plan.

Recorded: Brandon Stapleton declared a pecuniary interest due to personal reasons.  
Carried.

Brandon Stapleton returned to Council Chambers at this time.

6. **PREVIOUS BUSINESS**

6.1 **Report Number DEV-2018-170 (amended) - A/36/2018/HTE - Muskoka Condo Corp. #83 (Shirley Brown) - 55 Chaffey Street**

Curtis Syvret outlined the report.

Committee questioned and received confirmation that the approved site design had never been implemented.

Moved by Kenneth Donald and seconded by Brandon Stapleton  

**BE IT RESOLVED THAT:** The Committee of Adjustment DENY Minor Variance Application A/36/2018/HTE, the purpose and effect of which is to provide relief from Comprehensive Zoning By-law 2008-66P, subsections 4.2.10 and 3.10.4 to:

- permit a driveway to occupy the entire frontage of the lot whereas a maximum width of 50% of a front yard is permitted; and
- reduce the required landscaped buffer for a parking lot from both the front and interior side lot lines, from 3m to 0m.

Carried.
7. **CONSENT APPLICATIONS**


Elizabeth Reimer outlined the report.

a) **Deputation - Lanny Dennis, Wayne Simpson & Associates**

Mr. Dennis requested that the provisional consent be granted without the condition requiring a Wildland Fire Assessment.

Moved by Kenneth Donald and seconded by Brandon Stapleton

**BE IT RESOLVED THAT:** The Committee of Adjustment APPROVE Consent Application B/25/2018/HTE for the creation of one new rural residential lot;

**CONDITIONAL ON:**
1. A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan;
2. The Owners’ taxes being in good standing;
3. A site inspection fee of $230.00 being paid to the Town of Huntsville;
4. A consent finalization fee in the amount of $175.00 being paid to the Town of Huntsville;
5. 5% Cash-in-lieu of parkland being paid to the Town of Huntsville on the severed lands;
6. The lands be rezoned for their intended use;
7. A Wildland Fire Assessment be completed to the satisfaction of the Town of Huntsville;
8. The Owner entering into and registering on title an agreement pursuant to Section 5(26) of the Planning Act, 1990, R.S.O., as amended, respecting:
   • The lands shall be subject to site plan approval, pursuant to Section 41 of the Planning Act, 1990, R.S.O., as amended, to implement the conclusions and recommendations contained in the “Scoped Species At Risk Report” dated October 2018, prepared by FRiCorp Ecological Services;
   • No site alteration shall be permitted until a Site Plan Agreement with the Town of Huntsville is registered on the title of the subject lands.

**Motion to Amend**

Moved by Jason FitzGerald and seconded by Nancy Alcock

**BE IT RESOLVED THAT:** The following condition be hereby deleted:
7. A Wildland Fire Assessment be completed to the satisfaction of the Town of Huntsville;  
Carried.

Main Motion as Amended

Moved by Jason FitzGerald and seconded by Nancy Alcock  
C0A26-19

BE IT RESOLVED THAT: The Committee of Adjustment APPROVE Consent Application B/25/2018/HTE for the creation of one new rural residential lot;

CONDITIONAL ON:
1. A registerable description of the severed lot being submitted to the Secretary-Treasurer, (including all rights-of-ways and easements), along with a registered copy of the reference plan;
2. The Owners’ taxes being in good standing;
3. A site inspection fee of $230.00 being paid to the Town of Huntsville;
4. A consent finalization fee in the amount of $175.00 being paid to the Town of Huntsville;
5. 5% Cash-in-lieu of parkland being paid to the Town of Huntsville on the severed lands;
6. The lands be rezoned for their intended use;
7. The Owner entering into and registering on title an agreement pursuant to Section 5(26) of the Planning Act, 1990, R.S.O., as amended, respecting:
   • The lands shall be subject to site plan approval, pursuant to Section 41 of the Planning Act, 1990, R.S.O., as amended, to implement the conclusions and recommendations contained in the “Scoped Species At Risk Report” dated October 2018, prepared by FRiCorp Ecological Services;
   • No site alteration shall be permitted until a Site Plan Agreement with the Town of Huntsville is registered on the title of the subject lands.  
Carried.

8. NEW BUSINESS

Nil

9. ADJOURNMENT

Moved by Jason FitzGerald and seconded by Nancy Alcock  
C0A27-19

BE IT RESOLVED THAT: We do now adjourn at 12:03 p.m.  
Carried.

Bob Stone, Chair