



COMMITTEE OF ADJUSTMENT

MEETING MINUTES

5th<sup>th</sup> MEETING OF 2021

TUESDAY AUGUST 17, 2021

The fifth meeting of 2021 for the Committee of Adjustment of the Township of Brock was held on Tuesday, August 17, 2021 virtually by Microsoft Teams.

Members Present:

- George Hewitt
- Peter Prust
- William Basztyk
- Ralph Maleus
- Gloria Stewart

Others Present:

- Aileen and John Larin (applicants)
- John Teel (public)
- Robert Anstie (public)
- Nancy Larin (public)
- Rick Benoit (public)

Staff Present:

- Richard Ferguson, CBO
- Debbie Vandenakker, Planner / Secretary-Treasurer (recording minutes)

1. **CALL TO ORDER** – Chair George Hewitt – 7:07 p.m.
2. **DECLARATION OF CONFLICT OF INTEREST**
3. **CONFIRMATION OF MINUTES** – 4<sup>th</sup> meeting – July 20, 2021

**Resolution 1-5**

MOVED BY Peter Prust and seconded by Ralph Maleus, that the minutes of the 4<sup>th</sup> meeting of the Township of Brock Committee of Adjustment, as held on July 20, 2021, be taken as read, confirmed, and signed by the Chair and Secretary-Treasurer.

**CARRIED**

4. **HEARING OF APPLICATIONS**

Application A-11/21 LARIN	
<b>Name of Applicant / Agent:</b>	Applicant: Aileen and John Larin Agent: RWH Construction
<b>Address of Applicant / Agent:</b>	Applicant: 24210 Thorah Park Boulevard, Beaverton ON L0K 1A0 Agent: 13 Lindsay Street, Fenelon Falls ON K0M 1N0
<b>Location of Property:</b>	24210 Thorah Park Boulevard, Beaverton ON L0K 1A0
<b>Purpose of Application:</b>	To provide relief from Zoning By-law 287-78-PL provision 10.1f) that requires a 3m setback from the side lot line for a boathouse to allow for a 1.5m setback.
<b>Effect of Application:</b>	To allow the construction of a boathouse.

#### 4a) Presentation of Application A-11/21 LARIN

- Does the owner or agent wish to speak to the application?

**John Larin:** We are moving up here permanently. We want to improve the property to live here permanently. Part of that includes a boat house for our new boat in the corner of our property.

**Gloria Stewart:** It looks like it would be fine. On the drawings, there is also a garage that is going to be built and it seems closer than the boathouse so I'm wondering if it should be part of the application.

**Debbie Vandenakker:** The garage does not need a variance, so it is not part of the application.

**Ralph Maleus:** I am wondering if the lots have been merged yet. It looks like it will be a benefit to the area.

**Aileen Larin:** It is still in the process. It should be approved shortly.

**Peter Prust:** I attended the site and spoke with the applicants. It fits in nicely with the neighbourhood. I don't have any concerns.

**Bill Basztyk:** I attended the property on Sunday. I noticed what appeared to be a pump house on the retaining wall.

**John Larin:** That is for irrigation only and will be taken down when the boathouse is constructed. We just put 150 cedar trees in last year so the pump house was to make sure the trees had enough water to grow.

**Bill Basztyk:** Was any consideration given to moving the boathouse to the south side of the property?

**Aileen Larin:** We decided on the location because of the erosion on that slope and that the houseboat would help protect the erosion.

- Does anyone else wish to speak to the application?

**John Teel:** I'm wondering about compromising the tree roots and who would be responsible for that.

**John Larin:** We had a geotechnical report done that said that the boathouse can only do good things for the shoreline. The clay is very dense.

**John Teel:** An who would be responsible for it down the road if there is erosion?

**John Larin:** With the boathouse there, there should be zero erosion. It will be backfilled.

**John Teel:** Our question is if my shoreline erodes, who is responsible for that?

**Debbie Vandenakker:** This is LSRCA purview but I will ask them to follow up on this.

Follow-up note: The conditions from the LSRCA were provided to the member of the public with a suggestion to call the LSRCA directly to discuss all concerns.

**Rick Benoit:** What is the timeline on breaking ground?

**John Larin:** We are hoping September / October of this year, but we had hoped to start in May so I can't guarantee that.

#### 4b) Written Submissions for A-11/21 LARIN

The Township of Brock building department noted that no permit could be issued until the properties are merged.

#### Lake Simcoe Region Conservation Authority

Please see Attachment 1 of these minutes.

#### Resolution 2-5

MOVED BY Ralph Maleus and seconded by Bill Basztyk that Minor Variance Application File No. A-11/21 LARIN as made by Aileen and John Larin, be approved. The proposed use is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee. This approval is with the condition that the merging of the parcels is completed.

**CARRIED**

**4d) CONFORMATION OF DECISION for A-11/21 LARIN**

Chair called each member to confirm the decision – all members answered “yes”.

**5. OTHER BUSINESS**

No other business.

**6. ADJOURN**

MOVED BY Peter Prust that this meeting does now close at 7:32 pm.

**CARRIED**

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CHAIR

  
\_\_\_\_\_  
SECRETARY-TREASURER

**Attachment:** LSRCA Comment Letter)24210 Thorah Park Boulevard



**Sent via E-mail :** [dvandenakker@townshipofbrock.ca](mailto:dvandenakker@townshipofbrock.ca)

August 10, 2021

**Municipal File No.: A-11/21**  
**LSRCA File No.: VA-213739-080321**

Ms. Debbie Vandenakker  
Planner  
Township of Brock  
1 Cameron Street East, Box 10  
Cannington, ON L0E 1E0

Dear Ms. Vandenakker:

**Re: Proposed Application for Minor Variance**  
**Owner: Aileen & John Larin**  
**Agent: RWH Construction, c/o Laurie Chambers**  
**24210 Thorah Park Boulevard**  
**Township of Brock, Regional Municipality of Durham**

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Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Owner has submitted a Minor Variance application to permit the construction of a two-storey addition to the existing dwelling to be used as a residential garage and living space, and a 1-storey detached boathouse. The Owner is also proposing the installation of a new driveway, site alteration near the top of slope and the shoreline which requires slope vegetation and shoreline vegetation restoration. The Owner has submitted an application for Minor Variance from the provisions of the Township of Brock Comprehensive Zoning By-law Number 287-78-PL, as amended, to seek relief from the following:

- i. A minimum interior side yard setback for accessory buildings of 3.0 metres; whereas, 1.5 metres is being requested.

**Documents Received and Reviewed by Staff**

Staff have received and reviewed the following documents submitted with this application:

- Notice of Public Hearing for Committee of Adjustment package prepared by Township of Brock Planning Department;
- Erosion Hazard Assessment, prepared by WSP, dated June 15, 2021.

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our MOU with the Township of Brock and the Regional Municipality of Durham. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

We note that LSRCA planning staff have been involved in a pre-consultation to the applicant/municipality dated May 12, 2021 in advance of the receipt of the application. We acknowledge that the Owner previously received an LSRCA permit application (LSRCA Permit No. BRP.2018.035) to permit the construction of works to stabilize the shoreline with natural round granite boulders to reinforce and protect the slope/shoreline from erosional processes.

### **Recommendation**

Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend that any approval of this application be subject to the following conditions:

- a. The Owner shall obtain a permit from the LSRCA for site alteration and development on lands within an area governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*. Please note that this will involve the submission of a detailed planting plan, updated Geotechnical Letter and addressing of additional comments.
- b. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the *Conservation Authorities Act*. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).

### **Site Characteristics**

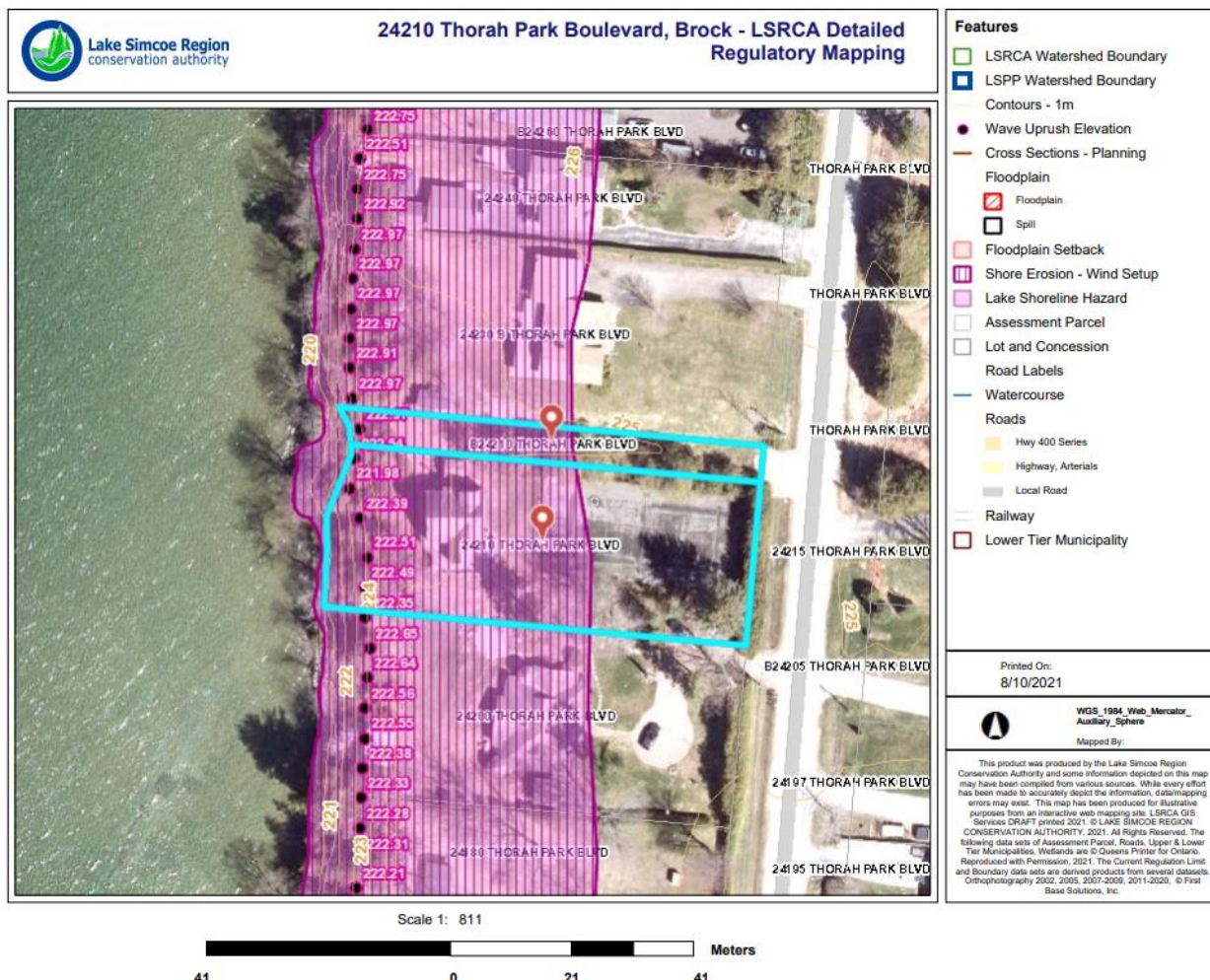
The subject property is approximately 0.24 hectare (0.59 acre) in size and is located east of Thorah Park Boulevard and north of Thorah Concession Road 1 within the Township of Brock. The subject land is zoned 'Shoreline Residential' (SR) per Plate 'A1' (Thorah) of the Township of Brock Comprehensive Zoning By-law Number 287-78-PL, as amended. Per Schedule 4-A (Shoreline Residential Areas) of the Township of Brock's Official Plan, the property is designated 'Residential Area'.

Per Schedule 'A' - Map 'A1' (Regional Structure) of the Region of Durham's Official Plan, the property is within the 'Shoreline Residential' designation of the Rural Settlements area. Per Schedule 'B' – Map 'B2' (High Aquifer Vulnerability and Wellhead Protection Areas) of the Region of Durham's Official Plan, the property is located within 'High Aquifer Vulnerability Areas'.

Current environmental mapping indicates that the property is located within the Protected Countryside designation of the Greenbelt Plan and is within geographical proximity to a key hydrologic feature (i.e. Lake Simcoe) and key natural heritage features (i.e. fish habitat, significant woodland). The property is also within an area of High Aquifer Vulnerability (HVA) and a Significant Groundwater Recharge Area (SGRA).

Existing mapping indicates that the subject property is partially within an area that is regulated by the LSRCA under Ontario Regulation 179/06 of the *Conservation Authorities Act* for the following natural hazards and/or natural heritage features:

- Shoreline hazards (i.e. lake based erosion and flooding hazard due to wind set-up) associated with Lake Simcoe.



### Delegated Responsibility and Statutory Comments:

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). Based on the information submitted as part of this application and current environmental mapping, this application can demonstrate consistency with Section 3.1 of the Provincial Policy Statement.

This application included a Geotechnical Letter indicating that the location of the proposed boathouse will not negatively impact the stability of the slope and identified engineering recommendations during and after construction per that assessment. The proposed development and site alteration will be required to adhere to the recommendations of the Geotechnical Letter. LSRCA staff note that the proposed 2-storey garage addition is outside the scope of work provided the submitted Geotechnical Letter. This Geotechnical Letter will be required to be updated to demonstrate consistency with Section 3.1 of the PPS.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A permit from the Lake Simcoe Region Conservation Authority under Ontario Regulation 179/06 of the *Conservation Authorities Act* will be required prior to development or site alteration taking place and prior to the issuance of a municipal building permit. The proposed development is required to demonstrate compliance with Chapters 4, 6 and 7 of the *LSRCA Watershed Development Guidelines* as demonstrated in a LSRCA permit application.

#### **Advisory Comments**

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Township of Brock and Regional Municipality of Durham in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*. The application does not include the construction of a residential building and structures with a total ground floor area equal to, or greater than 500 square metres and is therefore not considered to be “Major Development” per the Lake Simcoe Protection Plan (LSPP) and the Greenbelt Plan (GBP).

LSRCA staff provide the following to be addressed as part of the LSRCA permit application phase (please note that this list is not exhaustive):

- (i) The proposed 2-storey garage addition is outside the scope of work provided in the submitted Geotechnical Letter. The Geotechnical Letter is required to be updated to demonstrate that the location of the proposed 2-storey garage addition is outside of the erosion hazard limit and will not negatively impact the stability of the slope, including identification of any engineering recommendations during and after construction per that assessment.
- (ii) Detailed drawings pertaining to the design of the proposed retaining wall are required to be submitted for review and approval by the LSRCA.
- (iii) The Geotechnical Letter and drawings pertaining to the design of the proposed retaining wall are to be signed and sealed by a qualified licensed professional and submitted for review and approval by the LSRCA.
- (iv) Erosion and Sediment Control Plan are required to be submitted for review and approval by the LSRCA.
- (v) The restored slope and shoreline need to be sodded with suitable topsoil layer and native tree, shrub and plantings for naturalization and surface erosion prevention as demonstrated through the submission of a planting plan in accordance with the recommendation of the submitted Geotechnical Letter.
- (vi) Drainage details will be required to demonstrate that no overland drainage will be directed over the steep slope hazard located at the shoreline in accordance with the recommendation of the submitted Geotechnical Letter.



- (vii) Only clean fill may be placed which is in conformity with all relevant Ontario Ministry of the Environment guidelines and requirements such as Ontario Regulation 347 and Ontario Regulation 461/05. Other fill requirements will be determined at the LSRCA permit application review stage.

Please be advised that generally that new development is generally required to be located outside of the 30-metre minimum vegetation protection zone (MVPZ) of Lake Simcoe as defined in the relevant policies of the Lake Simcoe Protection Plan (LSPP) in accordance with policy 6.1 of the *LSRCA Watershed Development Guidelines*.

### **Summary**

Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we recommend that any approval of this application be subject to the following conditions:

- a. The Owner shall obtain a permit from the LSRCA for site alteration and development on lands within an area governed by Ontario Regulation 179/06 under the *Conservation Authorities Act*. Please note that this will involve the submission of a detailed planting plan, updated Geotechnical Letter and addressing of additional comments.
- b. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the *Conservation Authorities Act*. (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$525.00 per the LSRCA 2021 Fee Schedule).

Given the above comments, it is the opinion of the LSRCA that:

1. The application can demonstrate consistency with Section 3.1 of the Provincial Policy Statement.
2. Ontario Regulation 179/06 does apply to the proposed development. A permit from the Lake Simcoe Region Conservation Authority will be required prior to development or site alteration taking place.

Should you have any questions concerning these comments, please contact the undersigned and reference the above file numbers in correspondence. Please advise our office of any decision made with regard to this matter.

Sincerely,



Laura Tafreshi  
Planner I

Lake Simcoe Region Conservation Authority (LSRCA)