

Kahshe Lake Ratepayers' Association '94 Inc.

P.O. Box 117A, R.R. #2, Kilworthy, Ontario P0E 1G0



*Dedicated to the
preservation of the
environment for our
grandchildren...
and theirs!*

December 1, 2009

Mr. N. Popovich
Manager of Development Services
Town of Gravenhurst
190 Harvie Street
Gravenhurst, ON P1P 1S9

Dear Mr. Popovich:

Re: KLRA Comments on the Town of Gravenhurst Draft Comprehensive Zoning By-law

Thank you for the opportunity to provide our comments on this By-Law. As you know, KLRA has invested much time and effort into developing The Kahshe Lake Plan. We were pleased to see its proposals incorporated into the Official Town Plan, and believe that it is now very important to ensure that appropriate provisions are incorporated into the Town's Comprehensive Zoning By-Law. We appreciate the excellent job that has been done in drafting this By-Law, and how helpful you and Rick Hunter have been in meeting with us on the many issues. Our comments on the draft By-Law are set out below.

1. Sleeping cabins. "Accessory building or structure" includes "sleeping cabin" which is defined at Section 4.164 as "accessory building not attached to the principal residential dwelling, for the accommodation of persons, but does not contain kitchen facilities." We agree that there should be no kitchen facilities in sleeping cabins, but note that the term is not defined. We think it important to be clear as to what "kitchen facilities" includes. We are concerned that the term be defined to exclude any cooking facilities, including micro wave ovens. We also suggest considering prohibiting electrical receptacles other than 110-120 volts, which would effectively prevent stoves and ovens. (Baseboard heaters are directly wired, so that this receptacle limitation would not prohibit them.)
2. Maximum height. Section 4.83. We have some concern about measuring height of a building from the "average finished grade", if this could be susceptible to being raised to artificially obtain extra height that would subvert the intent of the height regulation. We suggest that consideration be given to measuring height from the natural elevation of the land at the front of a building, or at least provide that the average finished grade be appropriate to the property and not be artificially raised for the purpose of increasing the height of a building .
3. Enlargements or extensions of existing grandfathered buildings that are within the 30 metre setback. We note that our Lake Plan opposes further linear expansion within the 30 meter setback (see point 2 of our letter dated October 15). The draft by-law, Section 5.24, partially addresses our concern by limiting "gross floor area" increase allowed by percentages based on how close the existing building is to the shoreline. We favour supplementing this with a provision limiting expansion to behind the 30 meter setback or to the rear of the existing building.
4. Limiting life of variances. We believe that the By-Law should limit variances to the life and use of the subject of the variance. Our observation is that grandfathered variances are being used for re-development when the basis for the original variance is no longer applicable. It seems to

us that it should not be difficult to put a note in a property file, which could then be referred to when any new applications for building permits are filed in the future.

5. Steep slope areas and narrow water ways. The Kahshe and Bass Lake Plan (Section D4.1.10 in the Town of Gravenhurst Official Plan) provides that the minimum frontage for new properties in such areas be 120 metres. There is no definition of what constitutes a “steep slope area” or “narrow water way” in the By-Law. We believe that these terms should be clearly defined. We expect that many areas of Kahshe Lake will meet any reasonable definition of these terms. We note that there is a Zone RW-6A that calls for 120 metre frontage, but it appears that only a small minority of properties that should qualify as steep slopes or narrow water ways are so designated, and zone RW-6A is less limiting in a number of other respects than the specifications set out in our Lake Plan (see point 8 below).
6. Boat houses and boat ports. Section 5.12 should apply to boat ports as well as boat houses, as does section D4.1.15 of the Official Town Plan.
7. Waterfront landings. These are defined at Section 4.181, with provisions at section 37. Section 37 does not cover some of the provisions in section D4.1.7 of the Official Town Plan.
8. Zoning specific to Kahshe and Bass Lakes. A new zone for Kahshe and Bass Lakes residential waterfront properties has been established (Zone RW-6F) and the lot set back, lot frontage, maximum dwelling size and dwelling height provisions set out in the Kahshe and Bass Lake Plan are to apply to all properties zoned RW-6F. This accords with our Plan, but the maps of the lakes provided with the draft By-Law indicate that many waterfront residential properties on the two lakes have different zone designations that have lesser requirements. Examples include most of the waterfront residential properties along North Kahshe Lake Road, and on Bass Lake, and some islands. It had been our expectation that all waterfront residential properties on the two lakes would be subject to the same (Zone RW-6F) regulations, except for a wider (120 meter) lot frontage for steep slope and narrow water way areas (see point 5 above), and some additional specifications for islands. Can we assured that these deficiencies will be rectified?
9. EP and OS zones. We believe that these zoning designations need some additional consideration and clarification, and a review undertaken of the areas that should be so designated on Kahshe and Bass Lakes. The EP zone permits certain uses, which generally seem reasonable, and the OS zone permits some additional uses, including cemeteries and parks. Buildings for these uses would be permitted to be constructed on these properties. We are not convinced that any buildings should be permitted in EP zones. We are unclear as to the criteria for the OS zone, and believe that the characteristics of properties that should cause them to be so designated need to be specified.

We suggest that consideration be given to requiring a buffer area around EP, and possibly, OS zones.

10. Docking and parking facilities for water access properties. As you know, this is a major concern on Kahshe Lake, since approximately 40 per cent of properties are dependent on boat access. One of the two commercial parking and docking facilities on the Lake (Rockhaven) is zoned Commercial Waterfront CW-8., which does not designate a “marina” as a permitted use. The other (Denne’s) is zoned CW-8A, which does permit a marina, but the zone permits only a maximum of 14 watercraft. These zone specifications are obviously not sufficient to the businesses of these two commercial docking and parking providers. We wonder whether they could be zoned in such a way that they are required to provide a minimum of docking and parking – so that any attempts to reduce docking and parking facilities in the future would require applying for a variance.

In addition, the Kahshe and Bass Lakes Plan provides that new water access lot creation should require assured long-term mainland docking and parking facilities (see Section D4.1.14 of the Town of Gravenhurst Official Plan). We believe that this should be carried forward into the By-Law.

11. The Kahshe and Bass Lake Section D4.1.18 of the Official Town Plan sets out what should be included in a Site Plan, and several other parts of Section D4.1 indicate when Site Plans may be required. We note that these provisions have not been carried forward into the draft By-Law, but understand that they will be covered in a separate by-law. We believe that it is important to proceed to develop and expose this by-law for comment as soon as is possible.
12. We note that three sections of the Kahshe and Bass Lake Section of the Official Town Plan have not been carried forward to the By-Law: D4.1.12 – provisions for lesser frontage requirements when land is conveyed for conservation purposes; D4.1.15 (a) and (b) provisions for when lesser setbacks may be permitted; and D4.1.13 on situations when “other smaller requirements may be appropriate and desirable”. We understand that these provisions will have force as part of the Official Plan in applying the By-Law regulations, e.g. when applications for variance are received. We are content with the omission of these sections from the By-Law on this condition.

Please contact me if you wish to discuss any of these points. We would particularly like to understand reasons for the By-Law taking any different positions from those proposed above..

Sincerely,

Alex Milburn
On behalf of the Kahshe Lake Ratepayers' Association

Cc: KLRA Board of Directors
Kahshe Lake Plan Implementation Committee