

IN THE MATTER OF the Committee of Adjustment for the Township of North Kawartha

AND IN THE MATTER of a Committee of Adjustment Decision, dated July 18, 2023 as initiated by Tim Gray

AFFIDAVIT OF TIM GRAY

I, Tim Gray, of the City of Barrie, in the County of Simcoe, here in **MAKE OATH AND STATE AS FOLLOWS:**

1. I am a co-owner (with my brother), a property constituting Stony Lake Island 54, Concession 7, Part Lot 12, in the Township of North Kawartha.
2. In reference to use of the subject Stony Lake Island property, I made an Application to the Committee of Adjustment to the Township of North Kawartha. Attached hereto as Exhibit "1" is a copy of the subject Application.
3. Also attached hereto as Exhibit "2" an extract of the Minutes of the Committee of Adjustment incidental to the subject Application as filed by me, recommending approval, without conditions.
4. Furthermore, I attach hereto is Exhibit "3" a copy of the Committee of Adjustment decision, dated July 18, 2023.
5. I attended the entirety of the Committee of Adjustment meeting, which dealt with the application for four (4) Minor Variances associated with the subject property, and was present during all discussions, submissions, and other matters associated with the Committee's deliberation associated with the subject Application.
6. Unfortunately, the Committee of Adjustment Decision, through what I believe to be inadvertence, failed to address two (2) of the subject Minor Variance Applications. In that context, I believe that the discussions ensued and representations and submissions that were made were of such a nature that all four (4) of the subject Minor Variance Applications were to be approved by the subject Committee.
7. At present, through my Counsel, I have submitted a Notice of Motion to be considered by the Committee of Adjustment for the Township of North Kawartha. It asks for a remedy as it would relate to the circumstance associated with the Committee of

Adjustment Decision, dated July 18, 2022. It seeks the confirmation and specific written communication that all four (4) of the Variances would be approved by the subject Committee.

8. Unfortunately, I have checked, and the video recording associated with the Committee's deliberations in reference to this Application, and matters associated with the Decision dated July 18, 2023, has been inadvertently deleted.
9. However, I believe that there are still Members of the Committee of Adjustment who dealt with and deliberated on the July 18, 2023 Application who can confirm that a remedy should be granted, by way of a specific confirmation that all four (4) Variances were to be approved, arising out of the deliberations, considerations, and Committee of Adjustment dealing with this matter on July 18, 2023.
10. Accordingly, the Notice of Motion, and this, my supporting Affidavit, is submitted to the Committee of Adjustment for the Township of North Kawartha to seek that remedy. A collateral representation will be made by my Counsel as it would relate to the Doctrine of Rectification, which allows for a Committee such as that of the Committee of Adjustment to rectify an error.
11. This Affidavit is submitted in support for a Notice of Motion to be considered by the Committee of Adjustment for the Township of North Kawartha to remedy the subject decision dated July 18, 2023, pertaining to my Application as referenced herein, and described in the Planning Report.
12. This affidavit is made for no improper purpose.

SWORN BEFORE ME at the City
of Peterborough, in the County
of Peterborough this 27th day
of June, 2025

A Commissioner, etc.

Tanya Suzanne Gordon-Pike
a Commissioner, etc., Province of Ontario
for Richard J. Taylor, Barrister & Solicitor
Expires March 4, 2024

Tim Gray

THIS IS EXHIBIT "1" TO THE AFFIDAVIT OF
Tim Gray
SWORN BEFORE ME THIS 27th DAY
OF June, 2025.


A COMMISSIONER, ETC.

Tanya Suzanne Gordon-Pike
a Commissioner, etc., Province of Ontario
for Richard J. Taylor, Barrister & Solicitor
Expires March 4, 2024

The Corporation of the Township of
North Kawartha

RECEIVED JUN 15 2023

CK \$900.00
for Timberline

APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

A-13-23

Assessment Roll No. 153602000165900

The undersigned hereby applies to the Committee of Adjustment for the Corporation of the Township of North Kawartha under section 45 of the Planning Act, as amended, for relief, as described in this application, from the applicable Comprehensive Zoning By-law, as amended.

1. (a) Name of Owner

Tim Gray

Telephone No.

Address

(b) Name of Applicant
(If other than Owner)
Telephone No.

Address

(c) Name of Agent
(If other than Owner)
Telephone No.

Riley Martens

Address

2. Current designation of the subject lands:

(i) County Official Plan designation SR1

(ii) Township Official Plan designation SR1

3. Current Zoning of the subject lands: shoreline residential island

4. Nature and extent of relief from the applicable zoning by-law:

Ask for height relief from existing building height
(avg grade to avg roof) 12'-1" to 14'-1"

5. The reason why the proposed use cannot comply with provisions of the applicable zoning by-law?

Existing cottage roof was damaged. Need to
meet shingle requirements of 3:12 min slope.
Client wanted little attic storage space

6. Description of the subject land such as municipality, lot and concession, registered plan and lot numbers, reference plan and part numbers, civic address (911 #) or other legal description:

LOT 2 CON 7
2620 Stony Lake Island 54
North Kawartha KOL 3EO

7. Dimensions of the subject lands:

Front 1172ft

Depth

Area 6719m²

8. Access to the subject land is by:

a provincial highway _____

municipal road that is maintained all year or seasonally _____

other public road (ie. County _____

private road _____ fire routes _____

right-of-way _____ water Stoney lake

9. If access to the subject land is by water only, the parking and docking facilities used or to be used and the approximate distance between these facilities from the subject land and the nearest public road.

FR 15 is boat launch and parking

10. Existing uses of the subject land

Shoreline residential island

11. Existing buildings or structures on the subject land.

dwellings

sheds

privys

12. Please describe any buildings and structures on the subject land by providing the type of buildings or structures; the setback from the front, rear and side lot lines; height in metres of the buildings or structures; dimensions of floor area of the buildings or structures

Existing: Dwelling $\begin{matrix} \text{side} - 220 \text{ ft} \\ \text{side} - 98 \text{ ft} \\ \text{front} - 28 \text{ ft} \\ \text{height} \approx 22 \text{ ft} \\ \text{area} = 64 \text{ m}^2 \end{matrix}$

Shed	side = 80 ft	height = 12 ft	
Privy	side = 75 ft side = 59 ft	front = 76 ft height = 10 ft	area = 215 sq ft
Dwelling 3	side = 145 ft side = 158 ft	front = 15 ft height = 19 ft	area = 100 m ²
Dwelling 2	side = 30 ft side = 19 ft	front = 17 ft height = 12' 1"	area = 1240 sq ft

13. Proposed uses of the subject land.

SRI

14. Proposed buildings or structures on the subject land.

All buildings to remain

15. Please describe any proposed buildings and structures on the subject lands; the proposed setback from the front, rear and side lot lines; proposed height in metres of the buildings or structures; proposed dimensions or proposed floor area of the buildings or structures.

Dwelling 2 setbacks to remain the same

height to increase to 14' 1" (avg grade to avg roof)

16. Date the subject land was acquired by the current owner.

≈ 1960

17. Date(s) the existing buildings or structures on the subject land were constructed.

≈ 1920

18. Length of time the existing uses of the subject land have continued.

≈ 1900

19. Water supply:

- (i) Private owned and operated individual or communal well _____
- (ii) a lake or other water body lake water
- (iii) or other means _____

20. Sewage or individual septic system is provided to the subject land by a private or individual communal septic system, a privy or other means.

privy

21. Storm drainage is provided by

Sewers _____ Swales _____

Ditches _____ Other means natural

22. Is the subject land under application under the Planning Act for approval of a plan of subdivision or a consent.

Yes _____ No to my knowledge

23. If yes to above, the file number of the application and the status of the application.

24. Whether the subject land has been the subject of an application under Section 45 of the Planning Act. (Minor Variance)

Yes _____ No to my knowledge

If the answer is yes, describe briefly:

25. It is mandatory that a location plan showing the following accompany this application:

- (i) The boundaries and dimensions of the subject land.
- (ii) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front, rear and side yard lot lines.
- (iii) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- (iv) The current uses on land that is adjacent to the subject land.
- (v) The location, width and name of any roads within or abutting the subject land,
 - (a) unopened road allowance _____
 - (b) public traveled road _____
 - (c) private road or right of way _____
- (vi) If access to the subject land is by water only, the location of the parking and docking facilities to be used (an agreement with the registered owner of the property for parking and docking facilities is to be provided).
- (vii) The location and nature of any easement affecting the subject land (ie. Ontario Hydro, Bell Canada access roads or driveways).

26. I hereby give permission for staff and/or Committee Members to visit the site for inspection. _____

Yes _____ No _____

27. I/We enclose the applicable fee of \$900.00 which is not refundable and agree to pay such further and other related planning costs and expenses that may be incurred by the Corporation of the Township of North Kawartha in processing my/our request herein and without limiting the foregoing the applicant will be responsible for any costs incurred by the Municipality as a result of an appeal to the Ontario Municipal Board and/or an Ontario Municipal Board Hearing. The application fee of \$900.00 shall be paid for by cash, debit card or cheque payable to the Township of North Kawartha at the time of filing of the application.

28. Solemn declaration:

I/We, Riley Markins of the Township
 of North Kawartha in the County
 of Peterborough solemnly declare that all the statements contained
 in this application are true and I make this solemn declaration conscientiously believing
 it to be true and knowing that it is of the same force and effect as if made under oath
 and by virtue of the Canada Evidence Act.

Declared before me at the Township
 of North Kawartha
 in the County of Peterborough
 this 15TH day of June A.D. 2023.

A Commissioner, etc.
 Deputy-Clerk
 Township of North Kawartha,
 a Commissioner, etc.

Applicant

Personal information is collected under the authority of the Planning Act, RSO, 1990, Chap P.13 and Regulations thereunder and will be used for the verification of property ownership and circulation purposes.

THIS IS EXHIBIT "2" TO THE AFFIDAVIT OF
Tim Gray
SWORN BEFORE ME THIS 27th DAY
OF June, 2025.

A COMMISSIONER, ETC.

Tanya Suzanne Gordon-Pike
a Commissioner, etc., Province of Ontario
for Richard J. Taylor, Barrister & Solicitor
Expires March 4, 2024

The Corporation of the Township of North Kawartha

Minutes of the Committee of Adjustment Meeting held on July 18, 2023

Hybrid meeting (in person and electronically)

Session No. 2023– 07 – 18

Members Present: Carolyn Amyotte, Chair, Colin McLellan, Vice Chair,
RuthAnne McIlmoyl, Jim O'Shea, Jim Whelan
(Councillor O'Shea arrived at 8:52 a.m.)

Staff Present: Connie Parent, Secretary-Treasurer
Kelly Picken, Deputy Clerk
Janine Cik, Junior Planner

Forbes Symon, Planning Consultant, Jp2g Consultants Inc.

Call to Order

The meeting was called to order by Chairperson Amyotte at 8:39 a.m. She informed the public that meetings are recorded and uploaded to the Township YouTube channel for public viewing.

Disclosure of Pecuniary Interest

None declared.

Approval of Agenda

COA – 23 – 42

Moved by – Jim Whelan

Seconded by – Colin McLellan

That the agenda be approved, as presented. Carried.

Business

Chair Amyotte declared the hearing open and explained that this was an opportunity to provide written or verbal comments on the applications. Recent changes to the Planning Act have

removed the right for public appeals on Committee decisions. Only the applicant, public agencies and specified persons may appeal Committee decisions.

Minor Variance A – 13 – 23 (Gray)

Janine Cik, Jr. Planner, identified the lands and explained the purpose and effect of the application. Approval of the application was recommended, without conditions.



Submissions

Riley Martens, Timberline Custom Homes, was present to answer questions.

COA – 23 – 43

Moved by – Jim Whelan

Seconded by – Colin McLellan

That Minor Variance Application A-13-23 (Gray), Concession 7, Part Lot 2, Burleigh Ward, 2620 Stony Lake Island 54, Roll # 020-001-65900 be approved, without conditions, as it is minor in nature, appropriate and desirable, conforms with the intent of the County of Peterborough Official Plan and Township Zoning By-law. Carried.

Minor Variance A – 14 – 23 (Harris)

Janine Cik, Jr. Planner, identified the lands and explained the purpose and effect of the application. Approval of the application was recommended, without conditions.

Submissions

Ken Tompkins, Agent, was present to answer questions.

Crowe Valley Conservation Authority – no objection

COA – 23 – 44

Moved by – Colin McLellan

Seconded by – Jim Whelan

That Minor Variance Application A-14-23 (Harris), Plan M15, Lot 51, Chandos Ward, 30 Springbok Drive, Roll # 010-202-10956 be approved, without conditions, as it is minor in nature, appropriate and desirable, conforms with the intent of the County of Peterborough Official Plan and Township Zoning By-law. Carried.

Minor Variance A – 15 – 23 (Hynp-Baker)

Janine Cik, Jr. Planner, identified the lands and explained the purpose and effect of the application. Approval of the application was recommended, without conditions.

THIS IS EXHIBIT "3" TO THE AFFIDAVIT OF
Tim Gray
SWORN BEFORE ME THIS 27th DAY
OF June, 2025.

A COMMISSIONER, ETC.

Tanya Suzanne Gordon-Pike
a Commissioner, etc., Province of Ontario
for Richard J. Taylor, Barrister & Solicitor
Expires March 4, 2024



Township of North Kawartha
280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
Tel: 705-656-4445 | 1-800-755-6931 | Fax: 705-656-4446
www.northkawartha.ca

Committee of Adjustment Decision

Application No. A-13-23 (Gray)

Date of Hearing: July 18, 2023

Notice: The Last day to appeal this Decision is August 7, 2023

In The Matter Of Section 45 of The Planning Act, Statutes of Ontario 1990, Chap P.13, and Township of North Kawartha Zoning By-law No. 26-2013, and an application for minor variance thereto;

Property Description/Lands Affected

Part Lot 2, Concession 7
Burleigh Ward
2620 Stony Lake Island 54
Roll #020-001-65900

Explanation Of The Purpose And Effect Of This Application:

The purpose of Minor Variance Application A-13-23 is to allow for a non-complying dwelling, located within 9 metres (30 feet) of the high water mark, to increase in height. Specifically, the variance will have the following effects:

1. To allow for a non-complying dwelling, located 5.18 metres (17 feet) from the high water mark, to increase in height from 3.68 metres (12.1 feet) as existing, to 4.29 metres (14.1 feet) as proposed. This is a variance to Section 3.18 (b) (ii) which stipulates that no enlargement to the size or height of a dwelling is permitted within 9 metres (30 feet) of the high-water mark.
2. To allow for the continued use of three (3) recreation dwellings on the subject property. This is a variance to Section 7.2 (c) which states that a maximum of one (1) dwelling per lot is permitted in the Shoreline Residential Island (SRI) Zone. This is also a variance to Section 3.5 which states that only one dwelling per property is permitted unless stated otherwise in the Zoning By-law.

Committee Decision:

The request for a minor variance is hereby () refused or (x) granted or () adjourned with no conditions.

The relief granted maintains the general intent of the Official Plan
The relief granted maintains the general intent of the Zoning By-law
The relief granted is appropriate and desirable
The relief granted is minor in nature

Yes
Yes
Yes
Yes

No
No
No
No



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Reasons/Conditions for Decision:

No comments were received resulting in no impact on the decision whether or not to proceed with this proposal.

As a result of public consultation on the proposal, the Township received 0 submissions of written comments and verbal comments from interested community members. A summary of the submitted comments and the Township's response to these comments are provided below.

Committee Decision and Signatures of Members Concurring in the Decision:

Carolyn Amyotte	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed	 <small>Signed by Carolyn Amyotte (2023/07/19) Verify with verifio.com or Adobe Reader.</small>	
Jim Whelan	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed	 <small>Signed with ConsignO Cloud (2023/07/19) Verify with verifio.com or Adobe Reader.</small>	
RuthAnne McIlmoyl	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed	 <small>Signed with ConsignO Cloud (2023/07/19) Verify with verifio.com or Adobe Reader.</small>	
Jim O'Shea	<input type="radio"/>	In favour	<input type="radio"/>	Opposed	not in attendance	
Colin McLellan	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed	 <small>Signed with ConsignO Cloud (2023/07/19) Verify with verifio.com or Adobe Reader.</small>	

Note: The Planning Act provides for appeals to be filed by the applicant, the Minister or a specified person or public body. Third party individuals are no longer entitled to appeal decisions of the Committee of Adjustment.

Appeals must be accompanied by a certified cheque or money order in Canadian Funds payable to the Minister of Finance in the amount of \$1,100.00 which represents the Tribunal's fee.

Committee of Adjustment
Township of North Kawartha
P.O. Box 550
Apsley Ontario K0L 1A0

(705) 656-4445 or 1-800-755-6931
(705) 656-4446 Fax

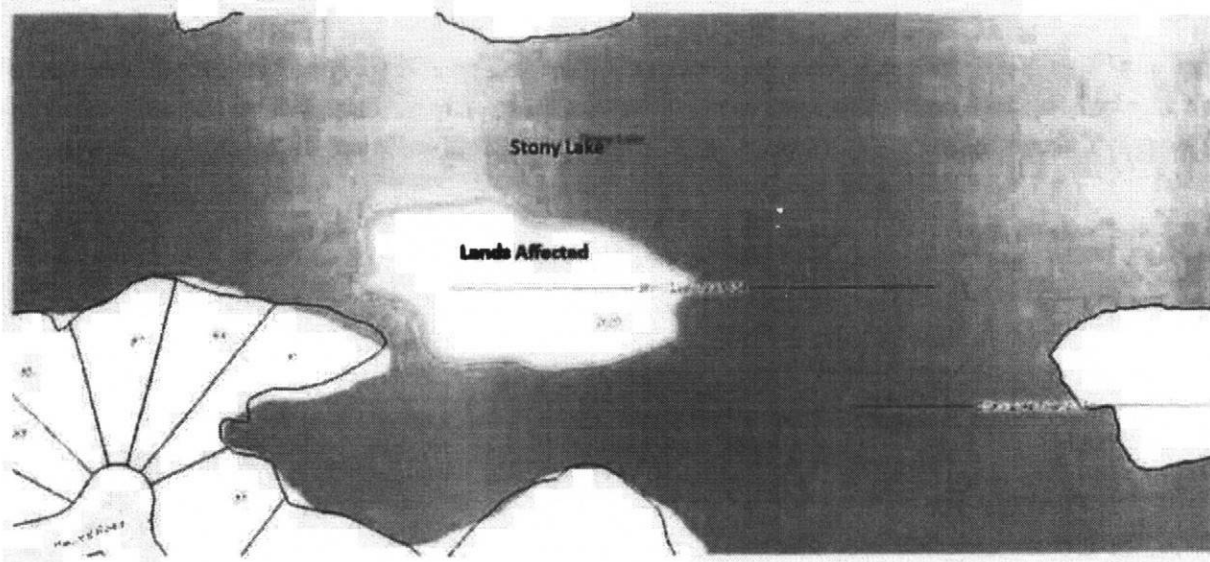
I, Connie Parent, Secretary-Treasurer for the Committee of Adjustment for the Corporation of the Township of North Kawartha hereby certify the foregoing to be a true copy of the original.


 **Connie Parent, Secretary-Treasurer**

July 18, 2023
Date

Lands Affected

Application A-13-23
Concession &, Part Lot 2
Burleigh Ward
2620 Stony Lake Isle 54
Roll #1536-020-001-65900



Explanation Of The Purpose and Effect Of This Application

The purpose of Minor Variance Application A-13-23 is to allow for a non-complying dwelling, located within 9 metres (30 feet) of the high water mark, to increase in height. Specifically, the variance will have the following effects:

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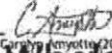
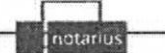

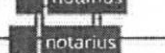
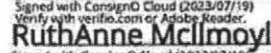
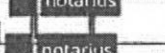
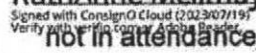
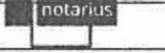
Reasons/Conditions for Decision:

No comments were received resulting in no impact on the decision whether or not to proceed with this proposal.

As a result of public consultation on the proposal, the Township received 0 submissions of written comments and verbal comments from interested community members. A summary of the submitted comments and the Township's response to these comments are provided below.

Committee Decision and Signatures of Members Concurring in the Decision:

Carolyn Amyotte	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed
Jim Whelan	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed
RuthAnne McIlmoyl	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed
Jim O'Shea	<input type="radio"/>	In favour	<input type="radio"/>	Opposed
Colin McLellan	<input checked="" type="radio"/>	In favour	<input type="radio"/>	Opposed


Signed by Carolyn Amyotte (2023/07/19)
Verify with verifio.com or Adobe Reader.

notarius

Signed with ConsignO Cloud (2023/07/19)
Verify with verifio.com or Adobe Reader.

notarius

Signed with ConsignO Cloud (2023/07/19)
Verify with verifio.com or Adobe Reader.

notarius
not in attendance

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notarius

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Appeals must be accompanied by a certified cheque or money order in Canadian Funds payable to the Minister of Finance in the amount of \$1,100.00 which represents the Tribunal's fee.

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Township of North Kawartha
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(705) 656-4445 or 1-800-755-6931
(705) 656-4446 Fax

I, Connie Parent, Secretary-Treasurer for the Committee of Adjustment for the Corporation of the Township of North Kawartha hereby certify the foregoing to be a true copy of the original.


Connie Parent, Secretary-Treasurer

notarius

July 18, 2023
Date