



Township of Lake of Bays Municipal Offices  
Phone (705) 635-2272 Fax (705) 635-2132

**COUNCIL MEETING FOR *PLANNING MATTERS ONLY***  
**of**  
**The Corporation of the Township of Lake of Bays**  
**April 29<sup>th</sup>, 2008**  
**MINUTES**

There was a regularly scheduled meeting of Council held for *Planning Matters Only* immediately following the Committee of Adjustment meeting held at 9:00 a.m., on April 29<sup>th</sup>, 2008 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance:**

<b>Mayor:</b>	<b>Janet Peake</b>	
<b>Councillors:</b>	<b>Margaret Casey</b>	<b>(District – Ridout/McLean)</b>
	<b>Nancy Tapley</b>	<b>(Franklin)</b>
	<b>Ruth Ross</b>	<b>(Ridout)</b>
	<b>Philip Cote</b>	<b>(McLean)</b>
	<b>Virginia (Ginny) Burgess</b>	<b>(Sinclair/Finlayson)</b>
	<b>Ben Boivin</b>	<b>(District – Franklin/Sinclair/Finlayson)</b>
<b>Planner:</b>	<b>Stefan Szczerbak</b>	
<b>C.A.O./Treasurer:</b>	<b>Don Chevalier</b>	
<b>Deputy Clerk:</b>	<b>Kelly Stronks</b>	

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 11:33 a.m., on April 29<sup>th</sup>, 2008, by Mayor Peake.

**2. APPROVAL OF AGENDA**

Mrs. Stronks advised that a supplementary information package for items already on the agenda had been provided to each Council member.

Item 4(a) – Delegation by Ms. Judi Brouse, Director of Watershed Programs with the Muskoka Watershed Council, was cancelled due to Ms. Brouse having a conflicting engagement.

**Resolution 2(a)/04/29/08**

**Councillor Casey and Councillor Ross**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated April 29<sup>th</sup>, 2008, be adopted as circulated.**

**Carried**

**3. DISCLOSURE OF PECUNIARY INTEREST**

Nil

**4. DEPUTATIONS / DELEGATIONS**

- (b) **10:00 a.m. Ms. Samantha Hastings, Planner with the District of Muskoka**  
Re. District of Muskoka – Phase 1 of Economic & Growth Strategies (DMM Reports PED-4-2008-1 & 2)

Ms. Hastings provided each Council member with a copy of a PowerPoint presentation respecting this matter and proceeded to review it with Council. Councillor Boivin asked if fractional ownership was being reviewed as part of this. Ms. Hastings replied that it was, as part of tourism. Mayor Peake expressed her desire to have a cross section of different types of tourism as they differ from area to area.

Councillor Ross asked if there was any way to determine the ration of permanent to seasonal and age demographics to determine the impact of each group. Ms. Hastings stated that a second home study would be done to help determine this.

Councillor Casey asked if the second round of consultations would have representation from each municipality, and if not could Ms. Hastings let Council know and they could try to get more people from Lake of Bays to participate. She has gotten a sense that when the initial presentation was done at District there seemed to be a lack of representation of Lake of Bays, and she stated the need to ensure that Lake of Bays is well represented. Mayor Peake asked if a date had been set. Ms. Hastings replied that it had not, but that maybe by late June draft preliminary directions will be done.

- (c) **10:15 a.m. Mr. Bart Carswell of Carswell Planning & Mapping**  
**Re. Summarizing requests concerning the Baysville Marina Restaurant proposal**  
Rezoning Application **Z 02/07 LOB** (Hough – Baysville Marine),  
Roll No. 040-001-08902  
Part Lot 16, Con. 8, McLean Ward, on the South Branch of the Muskoka River, 16 North Road, Baysville

Mr. Bart Carswell advised that he represented Mr. Brian Hough, the owner of Baysville Marina, who had submitted an application last year in order to create a restaurant in the boathouse and dock area of Baysville Marina. He stated that the application is stalled and he and his client question some of the items that have been requested by staff in order to proceed with the application, and has outlined this in a report that was provided in their agenda package. Mr. Szczerbak proceeded to explain the proposal to Council for their clarification.

Mr. Carswell asked that some items be removed from staff's request as follows:

- Item 1 – requirement for a study respecting Type 1 fish habitat located near the project. He advised that the habitat is Type 2 and that a study should not be required as the proposal was going to be 15 metres from the identified habitat
- Item 2 – requirement for a boat impact assessment. He advised that historically there has been boat traffic in Baysville and boats have to slow to a no wake zone in this area, and he believes study is unnecessary

Mr. Szczerbak stated that the application showed proposed dock extensions that would be going towards an adjacent road allowance that had Type 1 fish habitat on it, and that the direction of the Official Plan (OP) is that an assessment would be required. With respect to a boat impact assessment, Mr. Szczerbak stated that there is a public boat launch nearby, and that a restaurant would create an attraction, therefore attracting more traffic and impacting boat traffic in this area. Sections G.109 & G.110 of the OP direct that a study will be required in these circumstances.

Mayor Peake stated her belief that the staff recommendation should be followed. Council concurred.

## 5. MINUTES

(a) **To Be Adopted**

(i) Council Meeting for Planning Matters Only Minutes – March 25<sup>th</sup>, 2008

Councillor Burgess requested that Resolution 6(a)(iii)(b)03/25/08 (Rider - The Marnoc Conservancy) be withdrawn from the minutes and that this item be revisited at the Council meeting on May 27<sup>th</sup>, 2008, as she felt strongly that the Rider Group be allowed the opportunity to revisit this matter. She stated that she has talked to other Council members and they too feel that their decision was made hastily.

Mayor Peake stated that a procedural by-law was in place for Council meetings that had to be followed. Councillor Burgess stated that if most of Council wishes to vote on a matter, that should override procedures. Mayor Peake replied that when the decision was made there was an opportunity for further discussion that was offered at that meeting, and the proponent should be the one to make the proposal for changes. She stated that it was not in the best interest for Council to revisit the matter in this manner and that she did not wish to see the motion to withdraw the resolution come forward.

Councillor Boivin advised that he did not recommend a motion. He advised that as the minutes have not yet been adopted, Robert's Rules states that any item in any set of minutes can be taken out and discussed at a future date. This was concurred with by Mr. Chevalier. Mayor Peake agreed to pull the resolution from the minutes for future discussion, and that the minutes be adopted as amended.

**Resolution 5(a)(i)/04/29/08**

**Councillor Cote and Councillor Boivin**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adopt the minutes for the Council Meeting for Planning Matters Only for the meeting dated March 25<sup>th</sup>, 2008, as amended.**

**Carried**

(b) **To Be Received**

(i) Committee of Adjustment Meeting Minutes – March 25<sup>th</sup>, 2008

**Resolution 5(b)(i)/04/29/08**

**Councillor Boivin and Councillor Cote**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays receive the Committee of Adjustment minutes for the meeting dated March 25<sup>th</sup>, 2008.**

**Carried**

**6. REPORTS AND BY- LAWS**

(a) **Planning**

(i) **By-laws**

(a) By-law: **08-44**

Files: **Z 40/07 LOB (Roberts)**  
Type: Amendment to By-law 04-181  
Ward: Sinclair  
Applicants: Jan & Tom Roberts  
Civic Address: 2269 Hwy 60  
Lot/Con: L 23, C 1

- Tom Roberts, applicant, and Sarah Roberts, agent, were present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended that the application be approved
- There were no questions or comments from Council
- In gallery: Paul Hutchison, 3-2262 Hwy 60 – had no comments
- Mayor Peake read the following:

By-law 08-44 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Roberts)(2269 Hwy 60)(Sinclair).

**By-law 08-44 was read a first, second and third time and finally passed.**

(b) By-law: **08-48**  
File: **D 05/08 LOB (Roberts)**  
Type: Section 41 Agreement  
Ward: Sinclair  
Applicants: Jan & Tom Roberts  
Civic Address: 2269 Hwy 60  
Lot/Con: L 23, C 1

- See Item 6(a)(i)(a) above, as this matter was hear concurrently
- Mayor Peake read the following:

By-law 08-48, being a by-law to authorize the Mayor and Clerk to sign documents with respect to a Section 41 Agreement between Thomas Roberts et al (Friendly Acres Driving Range) and the Corporation of the Township of Lake of Bays (Baysville Development Inc.)(2676-2 Muskoka Road 117)(McLean).

**By-law 08-48 was read a first, second and third time and finally passed.**

(c) By-law: **08-45**  
File: **Z 07/08 LOB (Barry)**  
Type: Amendment to By-law 04-180  
Ward: Sinclair  
Applicant: Ron Barry  
Civic Address: 1017 Rebecca Lane  
Lot/Con: L 3, C 6, on Rebecca Lake

- Mr. Ron Barry, applicant, was present to represent the application
- Mr. Szczerbak reviewed the staff report and noted receipt of letters of support from several neighbours that had been included in Council's agenda package. He recommended approval of the application
- Councillor Boivin noted that the Original Shore Road Allowance (OSRA) was open and assumed that steps would be taken to address the authorization of structures on the allowance. He noted that shoreline activity areas were present, and Mr. Szczerbak explained that by not including one, permission was removed to allow the removal of vegetation in that area
- No one present in gallery
- Mayor Peake read the following:

By-law 08-45 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Barry)(1017 Rebecca Lane)(Sinclair).

**By-law 08-45 was read a first, second and third time and finally passed.**

(d) By-law: **08-46**  
File: **Z 09/08 LOB (Pizon)**  
Type: Amendment to By-law 04-180  
Ward: Franklin  
Applicant: Mirek Pizon  
Civic Address: 1004 Sommerzeit Cr  
Lot/Con: L 15, C 6, on Lake of Bays

- Mr. Mirek Pizon, applicant, was present to represent the application
- Mr. Szczerbak reviewed the staff report and reminded Council that Mr. Pizon had appeared as a delegation at the January 25<sup>th</sup>, 2008 meeting. He also noted receipt of several letters of support from neighbours, and recommended approval of the application
- Councillor Boivin noted that the OSRA was open, and Mr. Szczerbak advised that Mr. Pizon will be required to obtain a License of Occupation to authorize structures
- Councillor Tapley inquired about the replanting of the road allowance where the existing dwelling is to be demolished. She wondered about who would be responsible and if the applicant would be required to do this. Mr. Szczerbak advised that there needs to be discussion with Mr. Tom Brown, Director of Public Works, regarding this. He stated that perhaps Council can require this as part of a Development Permit. Mr. Pizon advised he has no problems with replanting the area
- Councillor Ross asked if the old septic system would be decommissioned prior to the driveway going across it. Mr. Szczerbak stated that this would be looked after by Building Department officials
- No one present in the gallery to speak to the application
- Mayor Peake read the following:

By-law 08-46 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Pizon)(1004 Sommerzeit Cres.)(Franklin).

**By-law 08-46 was read a first, second and third time and finally passed.**

(e) By-law: **08-47**  
File: **C 01/08 LOB (Von Den Baumen)**  
Type: Section 51(26) Agreement  
Ward: Sinclair  
Applicant: Andre Von Den Baumen  
Agent: Ross Bagshaw  
Civic Address: 1079 Sawmill Lane  
Lot/Con: L 23 & 24, C 2, on Peninsula Lake

- No one present to represent the application
- No one present in the gallery to speak to the application
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of the application as it would fulfill a condition of consent application **B 20/07 LOB**
- Mayor Peake read the following:

By-law 08-47, being a by-law to authorize the Mayor and Clerk to sign documents with respect to a Section 51(26) Agreement between Andre Rolf

Von Den Baumen and the Corporation of the Township of Lake of Bays  
(Von Den Baumen)(1079 Sawmill Lane)(Franklin).

**By-law 08-47 was read a first, second and third time and finally passed.**

**(ii) Council Variations to Development Permit By-law 04-180**

(a) File: **DP 13/08 LOB (MacDonald)**  
Ward: Franklin  
Applicant: Allan MacDonald  
Civic Address: 18 Bigwin Island  
Lot/Con: L 23, Bigwin Island, on Lake of Bays

- Mr. Allan MacDonald, applicant, was present to represent the application
- Mr. Szczerbak reviewed the staff report
- Councillor Tapley noted that this dwelling is one of the Juliana cottages and stated her desire to discuss preserving its heritage features with Mr. MacDonald. Respecting replanting, she noted that there is very little soil in this area and that a planting plan should not be looking for mature trees, but rather shrubs, etc.
- Mr. MacDonald stated that the deck is old and falling down, and that he only wishes to go closer to the shoreline by two ft and constructing a narrower replacement deck, resulting in a very small expansion. He stated that regarding planting of vegetation, he did a lot last year but wanted to do more
- No one present in the gallery to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(a)/04/29/08**

**Councillor Tapley and Councillor Ross**

**THAT Development Permit Application DP 13/08 LOB (MacDonald), as submitted for a Category 2 – Development Permit from By-law 04-180, specifically:**

- i) Section 4.39 (Non-Complying (Legal) Buildings and Structures), an expansion of, or addition to a legal non-complying dwelling within the shoreline activity area;**
- ii) Section 5.1.1(d) (Minimum Shoreline Yard Setback), reduce from a required 98.4 ft to 65 ft for proposed deck “A” and to 57 ft for its associated stairs;**
- iii) Section 5.1.1(d) (Minimum Shoreline Yard Setback), reduce from a required 98.4 ft to 81 ft for proposed deck “B”; and**
- iv) Section 5.1.1(l) (Maximum Shoreline Activity Area Coverage), increase from 40% to 72%;**

**of Development Permit By-law 04-180 in order to permit the replacement and expansion of Decks “A” and “B” and Deck “A’s” associated stairs attached to the existing single family dwelling, as well as, for the construction of a 300 ft<sup>2</sup> addition onto the existing dock, as illustrated on the attached sketch, located on the southerly shore of Bigwin Island, Franklin Ward, on Lake of Bays (MacDonald)(18 Bigwin Island)(Franklin)(010-022-05500);**

**AND WHEREAS Council of the Corporation of the Township of the Lake of Bays considers the notice of this application to be sufficient;**

**AND WHEREAS** Development Permit By-law 04-180 (Section 5.3.2) permits the construction of a dock within the “WEP1” area provided it is associated with a new or existing dwelling in an abutting Residential permit area subject to approvals obtained from the Department of Fisheries and Oceans prior to the issuance of a development permit;

**AND WHEREAS** the Department of Fisheries and Oceans has advised that they have no objections to the construction of an addition onto the existing dock fronting the subject lands, as identified on the attached schedule, provided the construction is consistent with the Department of Fisheries’ Operational Statement for Dock and Boathouse Construction;

**AND WHEREAS** Section 2.21 requires that a discretionary use in all Development Permit areas (in this case a “WEP1”) be reviewed by the Council of the Corporation of the Township of Lake of Bays;

**NOW BE IT RESOLVED THAT** the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the proposal in accordance with the attached sketch and subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: March 4, 2008 and marked: DP 13/08 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water’s edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

**Carried.**

- (b) File: **DP 17/08 LOB (Twaits)**  
Ward: Franklin  
Applicants: Wayne & Barbara Twaits  
Agent: John Gallagher  
Civic Address: 1272 Charlie Thompson Road  
Lot/Con: L 19, C 9, on Lake of Bays

- Wayne & Barbara Twaits, applicants, and Mr. John Gallagher, agent, were present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that it has now been confirmed that the lands can accommodate a septic system to service the proposed redevelopment. He summarized a letter that had been received from Charles Deacon, an abutting neighbour
- Councillor Tapley noted the existing bunkie overlapping with the proposed house; it was clarified that it is being relocated to another location on the property. She asked if Bunkie A could be moved further from the lot line as per Mr. Deacon's suggestion in order to maintain more of a buffer between the properties
- Councillor Casey noted the letter from Mr. Ayre in the agenda package, which referred to a single level structure, and expressed concern over the height of proposed dwelling and that neighbours may be surprised as the sketch showed a second storey
- Mr. Gallagher stated that he had spoken with Mr. Bob Barnhart, the septic installer, who advised that a building permit had been issued for the new septic system. With respect to the letter from Mr. Deacon, Mr. Gallagher noted that the buildings on Mr. Deacon's property are close to the lot line and there is not much vegetation on his lot to serve as a buffer. He noted that there are other cabins on the Deacon property between the lot line and main dwelling, and not many windows facing the Twaits property. Respecting the height, his clients have made an effort to reduce its height, and that it was also reduced partially due to construction costs
- No one present in the gallery to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(b)/04/29/08**

**Councillor Cote and Councillor Burgess**

**WHEREAS the applicants have submitted Development Permit Application DP 17/08 LOB (Twaits) in order to seek relief from:**

- a) **Section 5.1.1 (d) (Minimum Shoreline Yard Setback), decrease from 20 metres (65.6 ft) to 17 metres (56 ft); and**
- b) **Section 5.1.1 (i) (Maximum Lot Coverage), increase from 8% to 15.9%;**

**of Development Permit By-law 04-180, in order to permit the replacement and expansion of the existing dwelling with proposed covered deck, located in Pt. Lot 19, Conc. 9, Franklin Ward, on Lake of Bays (Twaits) (1272 Charlie Thompson Road) (Franklin) (010-009-05200);**

**AND WHEREAS a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-law 04-180;**

**AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;**

**NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby APPROVES the proposal in accordance with the attached sketch subject to the following conditions:**

- 1. **That the works be carried out in accordance with plans submitted: March 11<sup>th</sup>, 2008 and marked: DP 17/08 LOB;**

2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water’s edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

**Carried.**

(c) File: **DP 19/08 LOB (Tunis)**  
Ward: Franklin  
Applicants: Sealey & Mary Tunis  
Agent: John Gallagher  
Civic Address: 1275 Ronville Road  
Lot/Con: L 11, C 4, on Lake of Bays

- Mr. John Gallagher, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended that the application be provisionally approved pending submission of the following to the satisfaction of the Township: a) details of site alteration in accordance with Section D.16 of the OP; b) receipt and approval of a septic application; and c) receipt of a planting plan.
- Councillor Casey asked that if proposed mitigation techniques, etc. to reduce the impact of the development do not appear to be satisfactory or are unsuccessful, would development permit be issued. Mr. Szczerbak stated that if this were the case staff would bring this matter back to Council. She then asked that if it were brought back to Council if there would be liability to the municipality if a permit had already been issued, and as such should the municipality hold off this provisional approval pending receipt of the required items. Mr. Szczerbak stated that provisional approval is done under the assumption that all will be well, but if it is not it would come back to Council
- Mr. Gallagher stated that the small addition to rear is to facilitate access by the applicant’s father. Respecting the shoreline buffer, Mr. Tunis has already planted a 5 ft wide buffer and is willing to plant more, and is concerned that the species chosen will be able to withstand shallow soil. Councillor Casey that the applicants’ once or twice yearly brush clearing in the shoreline as this limits the growth of woody vegetation
- Mr. Gallagher was advised to ask the applicants to relocate the shed on the municipal road allowance to their own property
- No one present in the gallery to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(c)/04/29/08**

**Councillor Tapley and Councillor Ross**

**WHEREAS** the applicants have submitted a Category 2 - Development Permit, Application DP 19/08 LOB (Tunis) in order to vary the provisions of the Development Permit By-law 04-180, specifically:

- a) Section 4.39 (Non-Complying (Legal) Buildings and Structures), to permit the expansion to a dwelling within the shoreline activity area which would exceed the existing dwelling height of 11.3 ft, and which is proposed to be 26.8 ft in height;
- b) Section 5.1.1(h)(Minimum Rear Yard Setback), decrease from 10 metres to 0 metres; and
- c) Section 5.1.1(l)(Maximum Shoreline Activity Area Coverage), increase by 8% over what is existing;

in order to permit the expansion of the existing single family dwelling, located in Pt. Lot 11, Conc. 4, Franklin Ward, on Lake of Bays (Tunis) (1275 Ronville Road) (Franklin) (010-018-05700);

**AND WHEREAS** the Council of the Corporation of the Township of the Lake of Bays considers the notice of this application to be sufficient;

**NOW BE IT RESOLVED THAT** the Council of the Corporation of the Township of Lake of Bays would be satisfied that upon receipt and approval, to the satisfaction of the Township:

- i) confirmation of the details of site alteration i.e.: excavation, blasting, filling and/or grading in accordance with Section D.16 of the Township Official Plan such that there will be no negative impacts to the features and function of the area;
- ii) receipt and approval of a septic evaluation report that clearly demonstrates that the subject lands can accommodate any applicable changes to the existing filter bed in accordance with Section C.48 of the Township Official Plan; and
- iii) receipt of a planting plan in accordance with Section H.23 of the Official Plan;

then the criteria as outlined in Schedule C of the Development Permit By-law would thereby be fulfilled, and Council would hereby **APPROVE** the subject proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: March 19<sup>th</sup>, 2008 and marked: DP 19/08 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;

4. **All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features;**
5. **That a shoreline buffer shall be established and maintained abutting any portion of a shoreline. A shoreline buffer shall be a minimum of 15 metres (50 ft) in depth measured inland from ordinary water's edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with; and**
6. **The proposed re-development shall confirm details of site alteration i.e.: excavation, blasting, filling and /or grading in accordance with Section D.16 of the Township Official Plan.**

**Carried.**

(d) File: **DP 22/08 LOB (Shelton)**  
Ward: McLean  
Applicants: Howard & Shirley Shelton  
Agent: Wayne Simpson & Associates  
Civic Address: 273-1 Menominee Lake Road  
Lot/Con: L 16, C 13, on Menominee Lake

- Mr. Howard Shelton, applicant, was present to represent the application
- Mr. Szczerbak reviewed the staff report, and advised that the agent has asked that shoreline activity coverage be increased to 25% from the 15% noted in the staff report, in order to afford more development rights to the applicants
- Councillor Tapley stated that she had no problem with the proposed additions and permitting a bit more development in the shoreline area as per agent's suggestion
- No one present in the gallery to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(d)/04/29/08**

**Councillor Casey and Councillor Ross**

**WHEREAS the applicants have submitted Development Permit Application DP 22/08 LOB (Shelton) in order to seek relief from:**

- a) **Section 5.1.1 (f) (Minimum Interior Side Yard Setback), decrease from the minimum permitted 4.5 metres to 3.6 metres for the proposed addition;**
- b) **Section 5.1.1 (f) (Minimum Interior Side Yard Setback), decrease from the minimum permitted 4.5 metres to 2.1 metres for the proposed garage;**
- c) **Section 5.1.1 (i) (Maximum Lot Coverage), increase from the permitted 8% (8.7 % existing) to 14.3%;**
- d) **Section 5.1.1 (h) (Minimum Rear Yard Setback), decrease from the minimum permitted 10 metres to 8.0 metres from North Menominee Lake Road; and**
- e) **Section 5.1.1 (l) (Maximum Shoreline Activity Area Coverage), decrease from the permitted 40% to 25%**

**of Development Permit By-law 04-180, in order to construct a one storey 352 ft<sup>2</sup> addition onto the southerly side of the existing dwelling to serve as a second bedroom, and to also construct a 528 ft<sup>2</sup> garage**

at the rear of the property, located in Pt. Lot 16, Conc. 13, McLean Ward, on Menominee Lake (Shelton) (273 N. Menominee Lake Road, Unit 1) (McLean) (040-017-09100);

**AND WHEREAS** the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

**NOW BE IT RESOLVED THAT** the Council of the Corporation of the Township of Lake of Bays would be satisfied that upon receipt and approval of, to the satisfaction of the Township:

- i) a septic evaluation report that clearly demonstrates the subject lands can accommodate any applicable changes to the existing filter bed in accordance with Section C.48 of the Township Official Plan;

then the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: February 15<sup>th</sup>, 2008 and marked: DP 22/08 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water’s edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

Carried.

(iii) Other

- a) **Information: Site Plan Agreement Application D 28/02 LOB (The Jewel of Algonquin Golf & Country Club)**  
Applicant: Borden Boothby  
Part Lots 5 - 8, Con. 7, Franklin Ward  
Roll Nos. 010-011-04300, 04500, 04600 & 04800  
Hwy 35 & Poverty Lane (vacant – no address assigned)

- Ms. Marie Poirier, agent, was present to represent this matter
- Mr. Szczerbak reviewed the staff report and recommended that the file be closed as the file had been inactive for over three years
- Councillor Boivin asked that if the file was closed and resurrected in the future, there would be all the costs of reapplication. Mr. Szczerbak stated that the cost of an application was \$300. Councillor Boivin asked about the studies that had been done. Mr. Szczerbak replied that the old ones can be used but either way there would be a cost involved as the studies need to be updated anyway, as well as peer reviewed
- Ms. Poirier stated that her clients have sought legal advice, as they were surprised to have heard that this matter was being brought forward. She stated that she has no idea where the additional requirements have come from, and that the Boothby's do not want the file closed. She stated that there was no provision in the Planning Act to close site plan agreement files, and wanted to know why this report had been initiated. Ms. Poirier advised that when asked this Mr. Szczerbak advised that a number of Councillors had asked about the status of the file. She noted that she had checked the minutes of various meetings and found nothing there that directed the planner to do the report. She stated that this was not a status report as there is a staff recommendation to close the file contained in it, and that a phone call to her clients would have told him their intentions. She stated her belief that the file was in the Township's court, not her clients, and her concern that closing the file would take away her clients' development rights. She strongly urged Council to not pass the proposed resolution, and advised that she has submitted an appeal to the Ontario Municipal Board (OMB) respecting this matter in order to keep her clients' development rights alive
- Mayor Peake stated that Council had just asked for a status report, and it appeared that some miscommunication occurred with staff
- Mr. Szczerbak stated that closure of the file would not result in a removal of development rights, that it was simply the closure of an application. In his opinion, the development rights would still exist
- Mayor Peake asked Council members how they wished to see the Township proceed in this matter. Council advised they did not wish to see the file closed, and that the applicants be notified as to what matters needed to be addressed
- Councillor Casey noted that the applicants should have the Ministry of Natural Resources provide comments relating to the Aggregate Resources Act (ARA) respecting the pit that is located within the boundary of the golf course
- Ms. Poirier stated that her clients would be happy to see that it wasn't the intent of Council to close the file, given that they have spent well over a million dollars on various studies, and noted that there is now an OMB appeal in process
- Mr. Szczerbak asked Ms. Poirier if she wished to discuss the matter at a staff level or discuss it at an OMB hearing. She stated her preference to meet with staff
- Councillor Tapley asked if the portion of the property that is designated under the ARA was the quarry at the end of the airstrip. This was unknown, and Mr. Szczerbak advised that he could provide this information to any interested Councillors

b) **Report: Draft Huntsville Zoning By-law**

- Mr. Szczerbak noted that the public meeting for the by-law was occurring today in Huntsville and therefore the date for providing comments respecting the by-law has been missed, but that it was still worth providing comments to the Town of Huntsville. He then reviewed the staff report
- Councillor Casey stated that she was pleased to see the thorough report from staff, and that when on Lake of Bays there was a noticeable difference between development allowed in Huntsville as opposed to the Lake of Bays side. She stated that she was not sure if a similar situation existed on

Peninsula and Menominee Lakes, as portions of those lakes also fall under Huntsville's jurisdiction, but because of the shared jurisdiction it was therefore important that the Huntsville by-law be similar to the Lake of Bays by-law for these areas

- Mayor Peake read the following resolution:

**Resolution 6(a)(iii)(b)/04/29/08**

**Councillor Casey and Councillor Ross**

**That Council hereby authorizes staff to forward correspondence to the Town of Huntsville which advises that the Township of Lake of Bays generally supports the direction of the Draft Town of Huntsville Zoning By-law, together with comments for discussion/clarification in an effort to maintain a consistent development approach between both municipalities, as detailed in the Planner's report dated April 29<sup>th</sup>, 2008.**

**Carried.**

**c) Report: Previously Issued Development Permits**

- Mr. Szczerbak reviewed the staff report
- Mayor Peake asked how much work was going to be involved for staff to re-issue all the past permits. Mr. Szczerbak stated that a Fednor intern, Ms. Tina Arbuckle, who was currently assigned to the Planning Department, would be able to do the majority of the work
- Mayor Peake read the following resolution:

**Resolution 6(a)(iii)(c)/04/29/08**

**Councillor Casey and Councillor Ross**

**WHEREAS the Township of Lake of Bays has previously reviewed and issued Development Permits between January 2006 and November 2007 for the purpose of the intended development on the subject lands;**

**AND WHEREAS the Development Permits issued between January 2006 and November 2007 contain a lapsing date whereby the permission granted would lapse after two years from the date of approval and would therefore create non-complying situations.**

**AND WHEREAS the permission granted through the issuance of any Development Permit shall continue to apply to the intended lands as long as the Development Permit By-law is in force and effect.**

**NOW BE IT RESOLVED that the Council of the Corporation of the Township of Lake of Bays directs staff to re-issue every Development Permit from January 2006 through to November 2007 and remove the lapsing date and thereby permitting the proposed development subject to the conditions found within the Development Permit as long as the Development Permit By-law continues to be in force and effect.**

**Carried.**

**7. CLOSED SESSION**

**Resolution 7(a)/04/29/08**

**Councillor Casey and Councillor Ross**

**Be it resolved that in accordance with Section 239, (1), (2), (3) and (3.1) of the Municipal Act, c.25, S.O. 2001, as amended, the Council for the Corporation of the**

**Township of Lake of Bays will convene in Closed Session for discussion regarding:**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;**

**Carried.**

**Resolution 7(b)/04/29/08**

**Councillor Cote and Councillor Burgess**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays reconvene in Open Session and report on matters discussed in Closed Session.**

**Carried.**

**8. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**9. CONFIRMING BY-LAW**

By-law 08-49, being a by-law to confirm the proceedings of the meeting of Council held on April 29<sup>th</sup>, 2008.

**By-law 08-49 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/04/29/08**

**Councillor Burgess and Councillor Cote**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 3:58 p.m. to meet again on May 6<sup>th</sup>, 2008, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.**

**Carried**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk