

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff had no concerns with the approval of the application, provided the recommended condition of a site plan agreement being required was included in the approval in order to preserve vegetation between the proposed garage and the road
- Mr. Szczerbak noted that a revised garage design had been provided by the applicant and was included in the supplementary information package

Committee Deliberations:

- Councillor Boivin asked if the setback to the side lot line was 10 ft. Mr. Szczerbak confirmed this
- Councillor Tapley asked if there was any provision to utilize the upper section of the garage. Mr. Szczerbak referred the question to Mr. Smirnow, who advised that the upstairs will be used strictly for storage. Mr. Szczerbak noted that there is a maximum upper area of 54 square metres permitted and height of 7 metres in the by-law
- Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Margaret Casey
SECONDED BY: Ruth Ross

That Application A 04/08 LOB (Smirnow) for a minor variance from By-law 04-181, specifically from Section 4.3 (Accessory building that is not part of a principle structure not to be erected closer to the front lot line than the principle building), to permit the construction of a private garage of 1248 ft² which is proposed to be located closer to the front lot line than the principle building. The garage would be located 130 feet from the front lot line, as illustrated on the attached sketch, located in Part Lot 18, Conc. 7, McLean Ward, at 1013 Fairy Falls Road, now in the Township of Lake of Bays, be APPROVED, subject to the following condition:

- 1. That the applicant enter into a site plan agreement with the Township, pursuant to Section 41 of the Planning Act, RSO, 1990, ch P13. The intent of this agreement would be to ensure the retention and re-establishment of natural vegetation, in accordance with Sections G.24 and G.25 of the Township's Official Plan.**

Reasons:

- 1. The variance is desirable in the opinion of the Committee for the appropriate development or use of the land, building or structure.**
- 2. The variance is in keeping with the general intent and purpose of the by-law.**
- 3. The variance conforms to the intent and purpose of the Official Plan.**
- 4. The variance is minor in nature.**

CARRIED.

8. CONSENTS

- i) B 36/37/38/07 LOB, Applicant: W.G. Hallman Lumber Limited**
Part Lots 3, 4 & 5, Con. 13, Ridout Ward, 1080 Narrows Road
Roll No: 030-013-08900
Agent: John P. Gallagher & Associates

Present: Mr. John Gallagher, agent, was present to represent the application

The following persons were in attendance regarding the requested consent:

- Elsie & Robert Petrie, 1115 Narrows Road
- Mr. Herman Poland, 1111 Narrows Road
- Mr. Patrick Busby, Mississauga, Ontario

The following written comments were received from the following:

- Ms. Marilyn Picov & Mr. Steve Picov (email)
- Craig Morton & Kim Shaw (email)

These applications propose the creation of three new residential building lots, for a total of four lots. The lands are located in Part of Lots 3, 4 & 5, Concession 13, in Ridout Ward, at 1080 Narrows Road (Roll No. 030-013-08900).

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and noted concerns respecting road frontage and the location of building envelopes, and recommended deferral of the applications in order to address these concerns. He advised that a municipally driven scoped Biophysical (Species at Risk) Assessment had been prepared for the severed lots by Michalski Nielsen Associates Limited dated July 18, 2008. The report's conclusion was that the species of conservation interest potentially occurring on the lots to be severed will be minimally impacted by the proposed land use, and that provision of a 15 metre buffer on either side of the watercourse, and large lot sizes with proportionally low development footprints, will ensure impacts to stream-breeding dragonflies and red-shouldered hawks respectively, are negligible.
- He noted letters of objection from Marilyn Picov & Steven Picov, and also from Craig Morton & Kim Shaw, both of which had been included in the supplementary information package. He noted that one of the concerns raised was the use of a small waterfront parcel that was also owned by the applicant, and whether it would form part of the proposal i.e. provided waterfront access to the backlots proposed to be created. He advised that a dock could not be constructed on the waterfront parcel without having to go through a planning process

Committee Deliberations:

- Councillor Boivin stated that the fact of a stream also going through the waterfront parcel would further reduce the likelihood of a dock being permitted given this constraint
- Councillor Casey agreed with the rationale to include the whole of the severed lots in the Development Permit area, but asked if the headwater of the stream should be rezoned to also be included in the Development Permit area, as it flows into Lake of Bays and therefore functionally relates to the waterfront. Mr. Szczerbak agreed that this was a good suggestion, and noted that the Development Permit by-law only permits a maximum of 500 metres from the water's edge, but noted that the retained lands would be subject to a 51(26) agreement which could require studies prior to the removal of vegetation
- Councillor Tapley referred to the waterfront parcel and noted that it appears that the lots on either side of it are also small and don't appear to have much more than 50 ft of frontage, and therefore wondered if it was buildable. Mr. Szczerbak clarified that the lands that were involved in the applications were not tied to sliver of land across the road. Mr. Szczerbak stated that the direction of the bylaw and Official Plan are that a lot shall have a minimum frontage of 98 ft and prove that a lot can accommodate the development proposed. Given the presence of the stream, this lot becomes quite constrained and it is unlikely that it could accommodate building development

Mr. John Gallagher, Agent:

- Mr. Gallagher stated that shifting the lot lines to the west should be okay in order to achieve the required road frontage on Narrows Road
- He noted the biophysical assessment prepared by Michalski Nielsen found that development would not have an impact on identified values. He referred to the stream area that had been mapped as part of the study, and that it could possibly be placed in an Environmental Protection zone and prescribe the development setbacks recommended in the report
- Respecting the waterfront parcel of land, Mr. Gallagher advised that Mr. Hallman did not know that he was getting the waterfront lot when he bought the property. He noted that the Official Plan does not allow a right-of-way to back lot lands, and that serviced areas only permit multiple dwellings therefore that is not a concern here. He stated that he and his client have no problem with the deferral of the applications, and he will stake out the building sites with surveyor Mr. John Jackson
- There were no further comments from the Committee and Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Virginia (Ginny) Burgess
SECONDED BY: Philip Cote

That applications B 36, 37 & 38/07 LOB (W.G. Hallman Lumber Limited) be DEFERRED until the October 21st, 2008 meeting of the Committee in order to allow sufficient time for the applicant to submit the following to the satisfaction of the Township:

- (1) **An amended sketch identifying the proposed severed lots “B” and “C” to achieve the minimum required road frontage of 134 metres (440 ft) on a year round Township maintained road; and**
- (2) **A site evaluation report be prepared in accordance with Section E.5 of the Official Plan to ascertain the location of the proposed building and septic envelope and ensure that the retained and severed lots are suitable for development. This report should also identify necessary mitigation measures and include the location of any drainage courses (both permanent and intermittent), applicable setbacks, and appropriate access routes and pathways. The proposed building envelope and entrances should also be flagged on the site.**

CARRIED.

- ii) **B 03/04/05/08 LOB, Applicant: Betula Forests Limited**
Part Lot 14, Con. 4, Sinclair Ward, 1500 Limberlost Road, on Pells Lake
Roll No: 020-005-00400
Agent: List Planning Ltd.
- Carried forward from meeting of April 29th, 2008

Present: No one was present to represent the application

No Persons in Attendance in Favour of Requested Consent
No Persons in Attendance Opposed to Requested Consent

There were no recent objections received from circulated agencies or circulated surrounding property owners.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that the reports that had been required further to the public meeting of April 29, 2008 had not been received and therefore recommended another deferral in order to allow additional time for the required information

Committee Deliberations:

- There were no questions or comments from committee members and Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Philip Cote
SECONDED BY: Virginia (Ginny) Burgess

That applications B 03/04/05/08 LOB (Betula Forests Limited) be DEFERRED until the November 25th, 2008 meeting of Committee in order to provide the applicant with sufficient time to submit the following to the satisfaction of the Township:

- (1) A wetland impact assessment in accordance with Section D.44 of the Official Plan;**
- (2) A fish habitat impact assessment in accordance with D.96 of the Official Plan; and**
- (3) Confirmation from the District of Muskoka's Engineering and Public Works Department that applicable entrance permits from Muskoka Road No. 8 are available for the proposed lots.**
- (4) Confirmation that suitable building envelopes exist for each proposed lot in relation to any natural constraints.**
- (5) Preparation of a preliminary archaeological assessment.**

CARRIED.

- iii) B 19/08 LOB, Applicant: 824218 Ontario Inc. (Commercial Pallet)**
Part Lots 3 & 4, Con. 10, McLean Ward, 1001-1 Nithgrove Road
Roll No: 040-006-05700
Agent: Richard Hatkoski
- Recirculated further to meeting of June 24th, 2008

Present: Mr. Jack Hatkoski, agent, was present to represent the application

The following persons were in attendance regarding the requested consent:

- Cathy & Vicky Kelk, 1071 Kerrimuir Road, Baysville

The following written comments were received from the following:

- Ms. Valerie Lennard (email), 1029 Kerrimuir Road

There were no recent objections received from circulated agencies or circulated surrounding property owners.

This application was re-submitted by Jack & Richard Hatkoski, on behalf of 824218 Ontario Inc., for the purpose of providing a lot addition to the southerly abutting property. A public

meeting was held on June 24, 2008 respecting the original application, but the application has since been amended to provide for a lot addition to the southerly abutting lands, rather than the creation of a new lot as previously submitted.

The purpose of the revised application is to sever a 3.81 ha (9.4 acre) parcel of land and merge it with the benefiting property to the south (Roll No. 040-006-05701), owned by Richard Hatkoski. The proposed lot addition will result in the benefiting parcel, which is vacant, having an area of 4.73 hectares (11.7 acres) with approximately 285 m (938 ft) of frontage on Muskoka Road 117. The retained lands, which are developed with Commercial Pallet, a light industrial wood fabrication use, will have a resulting lot area of approximately 2.75 hectares (6.8 acres) with 149 m (489 ft) of frontage on Muskoka Road 117 and 198 m (650 ft) of frontage on Nithgrove Road.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that this application had originally come forward at the meeting of June 24, 2008, but as it was found that it was more appropriate to be a lot addition, the application was recirculated as such
- He read aloud an email from Valerie Lennard which referred to two streams that originated on this property which flowed into Lake of Bays, and her concern that the any proposed development would negatively affect the watershed system and a fish hatchery on the lake. Chairperson Peake asked if streams had been found by staff. Mr. Szczerbak advised that they had not

Committee Deliberations:

- Councillor Boivin wondered what Ms. Lennard was referring to, as there is no waterfront access on this property. Mr. Szczerbak advised that the concern was that the headwater of a stream that flows into the lake was located on the subject lands, and that Ms. Lennard wanted assurances of protection respecting this
- Mr. Hatkoski stated that there was a small wetland on the property, and that outflow from the wetland, which could be the stream in question, involved culverts and ditches

Cathy Kelk, Landowner:

- Cathy Kelk wished to address the matter of the stream, which she advised would also speak to Valerie Lennard's concerns. Ms. Kelk advised that she owns the property adjacent to the subject lands as well as Kerrimuir Road, and that there were two streams further in on her property. She stated that Ms. Lennard was concerned with any chemical output going into the stream, and was also concerned with noise and any property devaluation associated with this.
- Chairperson Peake asked if she was concerned with the lot addition or with the retained lot. Mr. Szczerbak stated that benefiting lot combined with the severed lot was proposed to be rural residential and that the lot addition would make the existing lot larger, and that it currently had existing development rights. Ms. Kelk advised that she had heard rumours that there would be a lumber mill or a chemical plant, etc. being located on the benefiting lands.
- Ms Kelk asked if the narrow westerly portion of the severed lot went right to Kerrimuir Road, as she thought she owned a very small parcel between this part of the property and Kerrimuir Road. Mr. Hatkoski stated that he had marked the boundary with red tape, and his property does not go right to Kerrimuir Road, and confirmed that she does have a small parcel here
- Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Nancy Tapley
SECONDED BY: Margaret Casey

That application B 19/08 LOB (824218 Ontario Inc. – Commercial Pallet) be APPROVED subject to the following conditions:

- (1) That a registrable description of the severed and retained lands be submitted to the Secretary-Treasurer, along with two copies of the registered reference plan;**
- (2) That there be a written undertaking from the acting solicitor that the proposed severed lands under property roll no. 040-006-05700 be joined in title to the lands to the lands to the southwest under property roll no. 040-006-05701. Subsection 50(3) of the Planning Act applies to any subsequent conveyance of our transaction involving the parcel of land that is the subject of this consent;**
- (3) That the severed lot be rezoned from the Rural Industrial with an exception “(RI-E7)” zone to a Rural Residential with an exception “(RR-Exx)” zone of Comprehensive Zoning By-law 04-181 such that the severed lot is in the same zone as the lands to which it is being added, and that an increased side yard be implemented from the easterly lot line;**
- (4) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and this Agreement be registered on the title of the resulting lands (severed and benefiting). The Agreement shall state that a Site Plan Agreement, pursuant to Section 41 of the Planning Act, is required prior to development, vegetation removal, site alteration and issuance of a building permit;**
- (5) That final approval be subject to confirmation by the Township of Lake of Bays that the severed lands, combined with the benefiting lands, are satisfactory for on-site sewage disposal;**
- (6) That the Applicant enter into an Agreement with the District Municipality of Muskoka under Section 51(26) of the Planning Act and this Agreement be registered on title of the resulting lands. The Agreement shall deal with the location of any proposed well; and**
- (7) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 41 of the Planning Act and this Agreement be registered on title of the retained lands. Said site plan shall address the retention of natural vegetation along the road frontage of Muskoka Road #117, in accordance with Sections I.18 & I.19 of the Township Official Plan.**

REASONS:

- 1. The Committee is satisfied that the consent application conforms to the intent of the Township Official Plan and will serve to provide a lot addition to the abutting property to the southwest, being Roll No. 040-006-05701 (owned by Richard Hatkoski).**
- (✓) Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent and the Certificate given under subsection 42 of Section 53 shall contain reference to this stipulation.**

Pursuant to Subsection 41 of Section 53 of the Planning Act, all conditions imposed must be fulfilled within *one year* from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act.

CARRIED.

- iv) B 21/08 LOB, Applicant: Valerie Inch**
Part Lot 8, Con. 3, Franklin Ward, 1238 Seabreeze Road, on Lake of Bays
Roll No: 010-020-04100
Agent: Ross Bagshaw

Present: No one was present to represent the application

The following persons were in attendance respecting the requested consent:

- Ms. Karen Pudsey, 1232 Seabreeze Road
- David Tanner, 1232 Seabreeze Road
- Jane Surerus, 1126 Seabreeze Road

There were no written objections received from circulated agencies or circulated surrounding property owners.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that the application needs to be corrected and re-circulated as it is more appropriate as a lot addition rather than as submitted. He noted an email had been received from Mr. Bagshaw requesting a deferral in order to submit an amended application and sketch

Committee Deliberations:

- Councillor Boivin wondered if lot coverage would be an issue, noting that development on the severed lot appeared significant, and asked that staff review this carefully. He also asked about the status of the Original Shore Road Allowance and was advised that it was flooded. Mr. Szczerbak noted that the revised application would be a lot addition instead, therefore what existed on the benefiting lands was considered legal non-conforming with respect to lot coverage

Karen Pudsey & David Tanner, Adjacent Landowners:

- Ms. Pudsey advised that she and her brother David Tanner own the abutting northerly property. She advised that when the newer home on the southerly Inch property was built, they heard that the northerly lot was going to be sold. She stated that if this was the case, shouldn't the Inches' have been required to do a severance first, noting that they now have a lot of development close to their mutual lot line. She asked that if the old dwelling was to be torn down, if a new larger one could be built, and expressed concern about development of the shoreline. Mr. Szczerbak stated that any redevelopment would have to be done in accordance with By-law 04-180

Jane Surerus, Adjacent Landowner:

- Ms. Surerus advised that she owned the cottage two doors north of the Inch property and asked about the density of development, noting that the northerly Inch property was a

heavily used lot and her neighbour has lost a lot of privacy. Mr. Szczerbak stated that a single family dwelling exists, and the by-law does not necessarily speak to the intensity of use on a property. Chairperson Peake wondered about the opportunity of greater buffering with vegetation along the lot line. Mr. Szczerbak stated that the structures are existing, but there may be an opportunity for buffering

Further Committee Deliberations:

- Councillor Boivin explained the proposed lot addition to the gallery, summarizing that buffering can be addressed at the time the revised proposal comes forward
- Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Nancy Tapley
SECONDED BY: Margaret Casey

That application B 21/08 LOB (Inch) be DEFERRED until the September 23rd, 2008 meeting of Committee in order to allow time for the submission of an amended application and sketch, and to permit time for said application to be re-circulated.

CARRIED.

- v) **B 22/08 LOB, Applicant: Howard Elliott & Bruce Elliott**
Part Lot 7, Con. 6, Franklin Ward, 25141 Hwy 35, on Lake of Bays
Roll No: 010-019-00700
Agent: Nancy LeBlanc of Planscape

Present: Ms. Nancy LeBlanc, agent, and Howard & Donna Elliott, applicants, were present to represent the application

No Persons in Attendance in Favour of Requested Consent
No Persons in Attendance Opposed to Requested Consent

There were no written objections received from circulated agencies or circulated surrounding property owners.

This application involves the creation of a new residential building lot together with applicable rights-of-way. The proposed retained lot is developed with a single family dwelling and a garage, while the proposed severed lot contains two frame cabins and a dock. The severed lot will be accessed from Hwy 35, a provincial highway, and provisions will be made for a right-of-way across the severed lands in order to access the retained lands.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and noted that the applicants had acquired the Original Shore Road Allowance as well as portions of the old roadbed of Hwy 35 from the Ministry of Transportation of Ontario (MTO) in order to meet the minimum lot area & frontage requirements for new lot creation
- He noted receipt of letters of support of westerly abutting landowners John Cheeseman & Harold Thornton (2143967 Ontario Inc.)

Committee Deliberations:

- Councillor Burgess noted that the sketch referred to a new entrance proposed by MTO and that a right-of-way was also proposed, and asked for clarification of which one was

correct. Mr. Szczerbak stated that the proposed MTO entrance was unlikely given that guard rails and an area of bedrock existed in that location

- Councillor Boivin asked if the shed that is on the proposed lot line been relocated, and if the OSRA has been closed & transferred

Nancy LeBlanc, Agent:

- Ms. LeBlanc stated that this application was the culmination of 9 years of effort on the part of her clients and thanked Township staff for their assistance in this regard. She spoke to the new entrance identified by MTO, and advised that the existing entrance is the best location available along here. She also stated that the shed will be removed
- She spoke to Condition 4, the removal of one or both frame cabins, and advised that it was her clients' intent to remove both cabins and start with a vacant lot
- Respecting Condition 4(a), restoration of a natural shoreline, she advised that she had met with Township staff in September 2006 who advised that it may be possible to retain the beach area if proof was provided that a historic beach existed here, i.e. photos. She advised that her clients don't want to lose the right to a portion of the historic beach, and that they have kept the remainder of the property in a natural state. She noted that 25% of the proposed severed lot frontage is 57 feet, and she wants to make sure her clients don't lose the ability to have the beach. Chairperson Peake asked about the beach, and Mr. Szczerbak recalled that its retention was still covered off in the condition, as the Official Plan covers provisions for retention of historic beaches. Ms. LeBlanc stated that she wanted to be assured that the condition would not take away their opportunity to have the beach in the 25% allowed. Mr. Szczerbak confirmed this
- Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Philip Cote
SECONDED BY: Virginia (Ginny) Burgess

That application B 22/08 LOB (Elliott) be APPROVED subject to the following conditions:

- (1) That a registrable description of the severed and retained lands, together with any applicable rights-of-way over the subject lands, be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan.**
- (2) That the severed and retained lands be re-designated within the Development Permit By-law No. 04-180 to reflect the reduced road frontage and/or any other deficiencies as identified by the draft reference.**
- (3) That final approval be subject to confirmation by the Township of Lake of Bays that the severed lands are satisfactory for on-site sewage disposal, and that confirmation of the location of the septic system on the retained lands as verified on a survey sketch prepared by an Ontario Land Surveyor satisfactory to the Chief Building Official.**
- (4) That the severed lands be brought into conformity with the Township Official Plan and Development Permit By-law to the satisfaction of the Secretary-Treasurer by means of:**
 - (a) The restoration of a natural shoreline in accordance with Sections D.15 and H.23 of the Official Plan;**

- (b) **Removal of one of the identified private cabins in accordance with Section H.15; and**
 - (c) **Relocation of the existing accessory structures in accordance with Section H.25 of the Official Plan.**
- (5) **That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays as per the calculation found in Section 2(d) of By-law 00-04.**

REASONS:

1. **The Committee is satisfied that the consent application conforms to the intent of the Township Official Plan and will serve to create a new residential building lot.**

Pursuant to Subsection 41 of Section 53 of the Planning Act, all conditions imposed must be fulfilled within *one year* from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act.

CARRIED.

- vi) **B 23/08 LOB, Applicant: Echo Valley Developments (Huntsville) Limited**
Lots 9 - 12, Con. 12 & 13, Franklin Ward, 1031-1 Echo Hills Road
Roll No: 010-007-06300
Agent: Wayne Simpson & Associates

Present: Mr. Wayne Simpson, agent, and Mr. Paul Barber, a shareholder in the company, were present to represent the application

The following persons were in attendance respecting the requested consent:

- Mr. W.J. O'Reilley, 58-1031 Echo Hills Road
- Mr. Ron Hadden, 57-1031 Echo Hills Road
- Mr. Ron Golding, 57-1031 Echo Hills Road

There were no written objections received from circulated agencies or circulated surrounding property owners.

This application has been submitted for the purpose of severing a 197 acre parcel of land with approximately 200 feet of frontage on Millar Hill Road which would allow for the creation of a new 18 hole golf course. The golf course is proposed to be accessed via a private road, with this road forming part of the vacant land condominium proposal (file C2006-1) which recently received draft approval from the District of Muskoka. The same proposal was approved by the Committee of Adjustment under File **B 10/06 LOB**. As the conditions of the approval were not fulfilled within the one year time frame, the approval lapsed.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that as the study requirements required by the Official Plan have not yet been completed, staff feel that this application is premature and does not conform to the Township and Muskoka Official Plans.. He advised that this is

the same recommendation that was provided regarding **B 10/06 LOB**, and that a number of reports have not been done since the previous application

- Mr. Szczerbak advised Committee that if they wished to consider the application, staff recommended that they consider the retained parcel as ONE property, and to not consider the potential for future residential development on these lands. Without the required documentation to describe how these lands could be developed, including lot layout and confirmation of the road network, the retained lands must be treated as one lot until receipt of the applicable supporting documentation

Committee Deliberations:

- Councillor Boivin asked if there has there been a request by the applicant to amend or change any of the recommend consent conditions. Mr. Szczerbak replied they had not

Mr. Wayne Simpson, Agent:

- Mr. Simpson advised that this application is identical to the one of two years ago, and that they had to reapply because the provisional approval lapsed, and that it had lapsed because the company had been dealing with some administrative matters including the death of Mr. Gord Badger, a major shareholder of Woodecho Holdings
- He advised that the intent of the application was to separate the golf course from the proposed condominium plan for financing purposes. He stated that Mr. Al Shaw of RiverStone Environmental is currently conducting the required environmental analysis. He stated that the current application is consistent with the master plan prepared by his office and with the Official Plan. Respecting the legal fabric that may prejudice future development of the residential component, there is no dispute of the front nine holes of the golf course and the southerly residential component. At issue are the back nine holes of the golf course and the northerly residential area. He believes that the line that has been drawn is one they can all live with, and is confident that the lands slated for future residential development can be accommodated, but this must be backed up by the necessary studies and may result in the parcel fabric being amended. Mr. Simpson stated that there has been no change in policy to suggest that the master plan is no longer good planning.

Further Committee Deliberations:

- Councillor Tapley stated that she had no problems with approving the application again, given that the separation is required for financing
- Chairperson Peake referred to the proposed road network and entrance off Miller Hill Road, and that access to the golf course is via the private road proposed in the current vacant land condominium file. She noted that as the northerly half of the property is not yet ready for development applicants won't be applying for the entrance off Millar Hill Road until closer to that time
- Councillor Boivin echoed Councillor Tapley's comments and noted the presence of a new bridge over the Boyne Creek on Millar Hill Road
- Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Virginia (Ginny) Burgess
SECONDED BY: Philip Cote

That application B 23/08 LOB (Echo Valley) be APPROVED subject to the following conditions:

- (1) That a registrable description of the severed lot, together with applicable rights-of-ways, be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) That final approval be subject to confirmation by the Township of Lake of Bays that the severed lands are satisfactory for on-site sewage disposal;
- (3) That the Applicant enter into a Site Plan Agreement with the Township of Lake of Bays, pursuant to Section 41 of the Planning Act, and this Agreement be registered on the title of the severed lands; and
- (4) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and this Agreement be registered on the title of the retained lands. The Agreement shall state that the retained lands, save and except those lands subject to the vacant land condominium application No. C2006-01, shall be considered as one lot pending receipt and approval of all required supporting documentation for development to the satisfaction of the Township. The owners of these lands shall acknowledge therein, that although the lands may accommodate some residential development, the Township is not obliged to approve any previously considered lot fabric and the studies required for same having not been done.

REASONS:

1. Approved on the basis that the retained parcel is treated as one parcel until receipt of the applicable supporting documentation.

Pursuant to Subsection 41 of Section 53 of the Planning Act, all conditions imposed must be fulfilled within *one year* from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act.

CARRIED.

9. DEFERRED MATTERS

Minor Variances:

NIL

Consents:

- i) **B 16/17/18/08 LOB, Applicant: Betula Forests Limited**
Part Lot 25, Con. 3, Sinclair Ward, Harp Lake Road - vacant
Roll No: 020-003-10200 (portion west of Harp Lake Road)
Agent: Bob List
Deferred to meeting of September 23rd, 2008 from June 24th, 2008 meeting

10. CLOSED SESSION

NIL

11. BUSINESS ARISING FROM CLOSED SESSION

NIL

12. OTHER MATTERS

MOTION

MOVED BY: Margaret Casey
SECONDED BY: Nancy Tapley

That the Committee of Adjustment hereby constitutes itself for the purpose of hearing other matters.

CARRIED.

NIL

13. ADJOURNMENT

The meeting was adjourned at 11:05 a.m.

MOTION

MOVED BY: Ben Boivin
SECONDED BY: Virginia (Ginny) Burgess

The Committee of Adjustment hereby adjourns the meeting of August 19th, 2008.

CARRIED.

CHAIRPERSON

SECRETARY-TREASURER