



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**  
**August 19<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 August 19<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>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>Absent:</b>	<b>Ruth Ross</b>	<b>(Ridout)</b>
<b>Planner:</b>	<b>Stefan Szczerbak</b>	
<b>Deputy Clerk:</b>	<b>Kelly Stronks</b>	
<b>Deputy Clerk:</b>	<b>Yvonne Aubichon</b>	<b>(portion of meeting only)</b>

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 11:22 a.m., on August 19<sup>th</sup>, 2008, by Mayor Peake.

**3. CLOSED SESSION**

**Resolution 3(a)/08/19/08**

**Councillor Burgess and Councillor Cote**

**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:**

- a proposed or pending acquisition or disposition of land for municipal or local board purposes;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

**Carried.**

**Resolution 3(b)/08/19/08**

**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.**

**4. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**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.

**Resolution 2(a)/08/19/08**

**Councillor Boivin and Councillor Burgess**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated August 19<sup>th</sup>, 2008, be adopted as circulated.**

**Carried**

**5. DISCLOSURE OF PECUNIARY INTEREST**

Nil

**6. DEPUTATIONS / DELEGATIONS**

Nil

**7. MINUTES**

(a) **To Be Adopted**

- (i) Council Meeting for Planning Matters Only Minutes – July 22<sup>nd</sup>, 2008

**Resolution 7(a)(i)/08/19/08**

**Councillor Tapley and Councillor Casey**

**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 July 22<sup>nd</sup>, 2008, as circulated.**

**Carried**

(b) **To Be Received**

- (i) Committee of Adjustment Meeting Minutes – July 22<sup>nd</sup>, 2008

**Resolution 7(b)(i)/08/19/08**

**Councillor Casey and Councillor Tapley**

**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 July 22<sup>nd</sup>, 2008.**

**Carried**

## 8. REPORTS AND BY- LAWS

### (a) Planning

#### (i) By-laws

(a) By-law: **08-71**  
Files: **Z 19/08 LOB (Pollen)**  
Type: Amendment to By-law 04-180  
Applicant: Carol Pollen  
Agent: Guy Pollen  
Civic Address: 1016 Channel Road  
Lot/Con/Ward: L 9, C 13, McLean, on Lake of Bays  
Roll No.: 040-016-05200

- No one was present to represent the application
- No one present in gallery
- Mr. Szczerbak reviewed the staff report noted that first and second reading had occurred on June 24<sup>th</sup>, 2008, and that third reading had been deferred pending receipt of favourable comments from the Canadian Coast Guard. He advised that as confirmation had been received from the Canadian Coast Guard and that they had no concerns with the proposed dock construction, staff therefore recommended third reading of the by-law be read
- Mayor Peake read the following:

By-law 08-71 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Pollen)(1016 Channel Road)(McLean).

**By-law 08-71 was read a third time and finally passed.**

(b) By-law: **08-101**  
Files: **Z 29/08 LOB (Parry)**  
Type: Amendment to By-law 04-181  
Applicant: Stephanie Parry  
Civic Address: 2780 Muskoka Road 117  
Lot/Con/Ward: L 28, C 6, McLean  
Roll No.: 040-002-08300

- Ms. Stephanie Parry, applicant, was present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended approval of the application to permit a commercial bed and breakfast on the subject lands
- No questions or comments from Council
- No one present in gallery
- Mayor Peake read the following:

By-law 08-101 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Parry)(2780 Muskoka Road 117)(McLean).

**By-law 08-101 was read a first, second and third time and finally passed.**

(c) By-law: **08-102**  
Files: **Z 32/08 LOB (Pearce)**  
Type: Amendment to By-law 04-180  
Applicant: Gordon Pearce  
Agent: Shahriar Izadi of Solution Design Group Inc.  
Civic Address: 1195 Delbrook Road

Lot/Con/Ward: L 3, C 14, Franklin, on Lake of Bays  
Roll No.: 010-021-00200

- Mr. Shahriar Izadi, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended denial of the application. He noted that should Council wish to further consider the application they may wish to defer the application to the meeting of September 23<sup>rd</sup>, 2008 in order to permit additional time for the applicant to revise the proposal such that the proposed development does not encroach further into the existing shoreline yard setback and to also submit a septic evaluation report in accordance with Section C.48 of the Township Official Plan to ensure the lot can adequately contain an appropriate septic system for the proposed redevelopment
- Mr. Szczerbak also noted that a letter of concern had been submitted by Bruce and Hilary Curren, and one from Terry Wilson
- Councillor Boivin asked if the developer has indicated if it would be possible to reconfigure deck. Mr. Szczerbak advised that he had discussed this with Mr. Izadi yesterday and that there was a willingness to do this
- Mr. Izadi stated that he had no problem removing the deck
- Mayor Peake stated that the application would be deferred in order to allow time for the sketch to be revised
- The following persons from the gallery spoke to the application:

**Mr. Terry Wilson, 1250 Delbrook Road**

- He advised that he was the president of the Bayview Point Ratepayer's Association and thanked Council for the recent upgrades to Delbrook Road. He advised that as a resident he has submitted a letter, and that another is on its way from another resident. He stated that he has been on Lake of Bays for over 50 years and has viewed unregulated development in the last several years. He had thought that when the Development Permit By-law came into effect that this would rectify things, but this hasn't been the case. He advised that in this instance the problem is the view of this property from the lake, noting that Pattison Bay has a distinct character, and the existing boathouse on the property is very visible from down the bay. He said that the issue was not a 3.5 ft setback relief, it is the fact that the new dwelling is proposed to be two storey, would be very visible, and it appears there are very few trees to be left according to the sketch. He stated that the square footage should be doubled given that there is a second storey, and that this is not reconstruction, this is demolishing and rebuilding, and therefore should conform to the 20 metre setback and move the proposed dwelling back to this setback

**Ms. Hilary Curren, 1185 Delbrook Road:**

- She advised that she had no objection to building the new dwelling, but wanted to ensure that the nature and ecology of the area was preserved. She felt that a two storey dwelling with trees removed would negatively affect those values, and the applicants should be required to develop within today's by-law standards. There are six or seven other cottages along this stretch that are about the same age and same size, and if they all were to build something similar, this would result in an urbanization of this area and negatively affect Pattison Bay.
- Mr. Izadi advised that the area of the proposed dwelling was 1525 ft<sup>2</sup> for the first floor and 390 ft<sup>2</sup> for the second floor and that there would not be a walk out basement
- Mayor Peake stated that a deferral would allow time to allow the sketch to be revised in order to reflect that the proposed structure be setback to the full 66 ft. Councillor Casey noted that when Mr. Izadi had

appeared as a delegation before council, council had directed him to pull the building back a bit, not the full 66 ft and that they do have existing development rights, noting that the gross floor area of both storeys is less than total old dwelling

- Mr. Szczerbak stated that if the applicant removed portions of the proposed deck to the setback of the existing deck, then development would not move closer to water's edge, and the staff recommendation would be to approve this. He stated that even if the dwelling isn't relocated to the full 66 ft setback, moving it back 10 ft would be beneficial
- Councillor Casey stated that while she recognizes there are a limited number of trees on the diagram, in the photo provided by Ms. Curren the present building couldn't be seen at all given the shoreline vegetation. She noted that there doesn't appear to be a shoreline activity area (SAA), and that staff would likely recommend there be not SAA in this case in order to prevent removal of vegetation. Mr. Szczerbak confirmed this and advised that even though there are structures at the shoreline, there doesn't have to be a SAA delineated
- Councillor Casey asked what the exterior would be like, and Mr. Izadi advised that local stone and lumber and lumber would be used, and would basically be updating a traditional log cabin style
- Councillor Tapley noted that there had been discussion before about pushing the proposed dwelling back, but that a comment had been made that it couldn't be given the steepness of the slope towards the rear of the lot. Mrs. Stronks stated that the lot where the dwelling is located is in a level area and no slopes are present that would prevent the dwelling from being moved back
- Mr. Szczerbak summarized the discussion as follows: revise the proposal to show that the deck is reconfigured such that it is not closer to the water's edge than the existing structure, and verify that the septic system can be accommodated
- Ms. Curren asked if tree hoarding was done in the Township when construction started on a lot in order to protect existing trees. Mr. Izadi confirmed that this would be done in this case
- This application was deferred to the meeting of September 23<sup>rd</sup>, 2008

(d) By-law: **08-103**  
File: **Z 33/08 LOB (Hewitt Family Trust – Yule & McLellan, Trustees)**  
Type: Amendment to By-law 04-180  
Applicant: Hewitt Family Trust  
Agent: Steve Jarrett  
Civic Address: 1057-1 Charlie Thompson Road  
Lot/Con/Ward: L 14 & 15, C 10, Franklin, on Lake of Bays  
Roll No.: 010-009-00902

- Mr. Steve Jarrett, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended approval of the application
- Councillor Casey noted the dock and boathouse had been done in a two step process, as the dock has already been constructed and the footprint is existing. She wondered if the planner's comment would have been the same if it were coming as one application. Mr. Szczerbak advised that it likely would have, as there is a water depth restriction and there is a good amount of undeveloped shoreline on either side
- Councillor Tapley stated that she has a concern with these types of designs that are situated 20 ft out from shoreline and have the appearance of a two storey cottage with windows, etc. She noted that the intent of the by-law was to keep the shoreline natural and felt that

these types of structures are much more intrusive than a covered boatport

- Mr. Szczerbak stated that this is not a two storey boathouse, as the applicant has advised that this is a storage area and they have not sought relief for height, etc.
- No one in the gallery to speak to the application
- Mayor Peake read the following:

By-law 08-103 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Hewitt Family Trust)(1057-1 Charlie Thompson Road)(Franklin).

**By-law 08-103 was read a first, second and third time and finally passed.**

(e) By-law: **08-104**  
File: **Z 34/08 LOB (Harrison)**  
Type: Amendment to By-law 04-180  
Applicant: Isabel Harrison  
Agent: Marie Poirier  
Civic Address: 1057 Montgomery Bay Road  
Lot/Con/Ward: L 23, C 3, Franklin, on Lake of Bays  
Roll No.: 010-017-06100

- 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 noted that the property had also been subject to a recent consent application (**B 19/06 LOB**), and that this application would fulfill a condition of consent. As such, staff recommended approval of the application
- Mayor Peake read the following:

By-law 08-104 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Harrison)(1057 Montgomery Bay Road)(Franklin).

**By-law 08-104 was read a first, second and third time and finally passed.**

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

(a) File: **DP 26/08 LOB (Beck)**  
Applicant: Ruth Eva Beck  
Agent: Catherine Dennis  
Civic Address: 1172 Nithgrove Road  
Lot/Con: L 4, C 11, McLean, on Lake of Bays  
Roll No.: 040-014-07600

- Ms. Ruth Beck, applicant, was present to represent the application
- No one in gallery to speak to the application
- Mr. Szczerbak reviewed the staff report and recommended that the application be provisionally approved, with the provision being that a septic evaluation report be provided to the Township that demonstrates the subject lands can accommodate any required upgrades to the existing filter bed in accordance with Section C.48 of the Official Plan
- Councillor Boivin referred to the Original Shore Road Allowance and the need to authorize structures located on it with a License of Occupation. He stated his concern with the shed that was only 2 ft from the property line. Mr. Szczerbak advised that it is likely legal non-conforming
- Mayor Peake read the following:

**Resolution 8(a)(ii)(a)/08/19/08**

**Councillor Tapley and Councillor Casey**

**WHEREAS** the applicant has submitted a Category 2 - Development Permit, Application DP 26/08 LOB in order to vary the provisions of the Development Permit By-law 04-180, specifically:

- a) Section 5.1.1 (i) (Maximum Lot Coverage), increase from the permitted 8% (10.2% existing) to 11.7%;

of Development Permit By-law 04-180, in order to rebuild and enlarge a private sleeping cabin, located in Pt. Lot 4, Conc. 11, McLean Ward, on Lake of Bays (Beck) (1172 Nithgrove Road) (McLean) (040-014-07600);

**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 of, to the satisfaction of the Township:

- i) a septic evaluation report that clearly demonstrates the subject lands can accommodate any required upgrades 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 the plans submitted: July 14<sup>th</sup>, 2008 and marked: DP 26/08 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 48/08 LOB (Iggulden)**  
Applicant: Paul Iggulden  
Agent: Paul Greenaway  
Civic Address: 1012 Park Lane  
Lot/Con: L 24, C 3, Franklin, on Lake of Bays  
Roll No.: 010-017-06500

- Mr. Paul Greenaway, agent, was present to represent the application
- No one in gallery to speak to the application
- Mr. Szczerbak reviewed the staff report and noted that letters had been received from adjacent landowner Mr. Jack Dalglish, as well as from the Foreman family. He advised that based on concerns from the neighbours, the applicant had submitted a revised proposal that relocates the boathouse further away from the lot line and more in front of the cottage and in the vicinity of the existing docking facility
- Councillor Tapley stated that she had no concerns with the revised sketch
- Mayor Peake read the following:

**Resolution 8(a)(ii)(b)/08/19/08**

**Councillor Boivin and Councillor Cote**

**WHEREAS** the applicant has submitted a Category 2 - Development Permit, Application DP 48/08 LOB (Iggulden) in order to vary the provisions of the Development Permit By-law 04-180, specifically:

- a) **Section 5.1.1 (I) (Maximum Shoreline Activity Area Coverage), increase from a permitted 40% (35.3% existing) to 100%;**

**of Development Permit By-law 04-180, in order to permit the enlargement and relocation of a dock/boathouse structure, located in Pt. Lot 24, Conc. 3, Franklin Ward, on Lake of Bays (Iggulden) (1012 Park Lane) (Franklin) (010-017-06500);**

**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: July 3<sup>rd</sup>, 2008 and marked: DP 48/08 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) Nil

**9. CONFIRMING BY-LAW**

By-law 08-106, being a by-law to confirm the proceedings of the meeting of Council held on August 19<sup>th</sup>, 2008.

**By-law 08-106 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/08/19/08**

**Councillor Tapley and Councillor Casey**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 1:18 p.m. to meet again on September 9<sup>th</sup>, 2008, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.**

Carried

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk