



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
January 22nd, 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 January 22nd, 2008 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

Attendance:

Acting Mayor: Nancy Tapley

Councillors: Margaret Casey (District – Ridout/McLean)
Ben Boivin (District – Franklin/Sinclair/Finlayson)
- left meeting at 10:35 a.m.
Ruth Ross (Ridout)
Philip Cote (McLean)
Virginia (Ginny) Burgess (Sinclair/Finlayson)

Absent: Janet Peake

Planner: Stefan Szczerbak
Deputy Clerk: Kelly Stronks

1. MEETING CALLED TO ORDER

The meeting was called to order at 9:38 a.m., on January 22nd, 2008, by Acting Mayor Tapley.

2. APPROVAL OF AGENDA

Resolution 2(a)/01/22/08

Councillor Boivin and Councillor Burgess

Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated January 22nd, 2008, be adopted as circulated.

Carried

3. DISCLOSURE OF PECUNIARY INTEREST

Nil

4. DEPUTATIONS / DELEGATIONS

- a) Mr. Mirek Pizon
Re: Proposed Re-development of Property
Part Lot 15, Con. 6, Franklin Ward, on Lake of Bays
Civic Address: 1004 Sommerzeit Crescent
Roll No. 010-012-02000

Mr. Mike Pizon of 1085 Stonecreek Crescent, Mississauga, Ontario, was present to address Council respecting his proposed redevelopment of a property at 1004 Sommerzeit Crescent that he recently purchased. He noted that a friend had purchased the adjacent lot. He advised that the whole of a boathouse and part of the existing cottage is partially situated on the Original Road Allowance (ORA) leading to water. He explained what he wished to do as per the letter and sketch that were in the agenda package. He also noted that the cold storage building would be removed.

Mr. Szczerbak stated that the lot is legal non-conforming with 80 ft of water frontage and existing structures. He noted that Mr. Pizon wishes to move the structures off of the ORA, but given the size of the lot, the proposed development would be in excess of what the by-law permits. After staff's discussion with Mr. Pizon, he amended the original proposal such that the dwelling would be at 20% lot coverage (1151 ft²); initially Mr. Pizon had proposed 27% but since agreed to match the proposed to what is existing. Mr. Szczerbak referred to the profile sketch, and that there would be a walkout basement below what was shown.

Acting Mayor Tapley clarified that the shoreline frontage was measured at the inner limit of the Original Shore Road Allowance (OSRA), and that if the OSRA was closed what the resulting frontage would be. Mr. Szczerbak stated that the orientation of the lot appears square, so there would not likely be a reduction of frontage.

Councillor Boivin asked if the boathouse was included in the coverage calculation. Mr. Szczerbak replied that it had. Councillor Boivin stated he was concerned with the amount of coverage.

Councillor Casey stated that the proposal was difficult to review because there are some existing rights and wanted clarification of those rights. She stated her concern about the amount of development proposed for a small lot, especially with the walkout basement and the appearance of this from the lake, and that the proposal is far beyond what the Official Plan anticipates. She asked that since the boathouse is entirely on the ORA, if there were development rights to move it to the subject lot, and that if there were not grandfathered rights to do this she would not support the proposal to relocate it. Mr. Szczerbak stated that the applicant can use the boathouse as of right under a License of Occupation (LOC); the Township policy related to LOC's allows minor renovations but that if rebuilding was proposed the structure in question would have to be relocated to the property it serves. He advised that some LOC's are reviewed by staff, but that contentious ones are referred to Council.

Councillor Casey stated her surprise that the proposed development could be supported with the required septic on this size of lot, and wondered about the type and amount of vegetation on the property. Mr. Szczerbak stated that Mr. Pizon does not have the right to move the boathouse to his property, but can use it as it stands today; if he should wish to reconstruct it, there is a separate policy to deal with moving it instead, but that it would still have to be reviewed under the merits of the by-law.

Councillor Boivin stated that he would like to see what is being proposed for the boathouse, and that if it was to be reconstructed as a boathouse, then he would not agree with the magnitude proposed, and that it also would need to be included in the coverage calculation.

Councillor Casey noted that if a covered boatport was proposed instead of a boathouse, its appearance would be lighter than a solid boathouse, which may be one way of reducing the visual impact, as well as reducing its size. Mr. Szczerbak stated that if the applicant just has a dock instead of a boathouse, and has a "U" shaped dock, the area in the centre would not be counted, which could be 400 to 500 ft², so this is a possible option to reduce the coverage amount.

Acting Mayor Tapley noted that the calculation of the SAA included the boathouse and existing dock but wondered what it would be if just confined to the subject property. Mr.

Szczerbak stated that the calculations were based on the assumption of if the dock and boathouse were located on an 80 ft wide property, but acknowledged there was some confusion. Acting Mayor Tapley stated her concern with the combined amount of the SAA given because some of the structures are on the ORA. Mr. Szczerbak stated that because the boathouse is not on the property, just the dock, therefore it is within the realm of the SAA.

Councillor Casey asked if Council could request demolition of the boathouse, and wanted the applicant to be aware that this was a possibility.

Mr. Brian Tapley was present in the gallery and wished to speak to the matter as an adjacent landowner. He advised that he owns a major portion of Bondi Village Resort which abuts the subject land on the north side. He advised that he had reviewed the proposal and staff memo regarding the coverage calculations, and that he had been on the Committee to develop the Development Permit By-law as well as the Visioning committee, and proceeded to ask some technical questions. He stated that as a neighbour he is in favour of the proposal as it gets the property cleaned up with a reasonable sized dwelling. He noted that he would want to see the final areas confirmed by a land surveyor given that there are some discrepancies between staff calculations and his. Regarding the size of the boathouse, he wouldn't have a problem with a similar boathouse with a similar muted colour and shape, and noted that the existing boathouse is almost as small as you can logistically have. Respecting the shoreline activity area (SAA) frontage, he asked how the amount of 60 ft had been determined, since even allowing for the existing boathouse, the lot is steep, rocky and well treed, and there is no beach area to form part of the SAA. He concluded by stating that if the boathouse is as small and muted as possible, and would likely be better than a boatport given that it would hide any miscellaneous items that may be stored in it. He also stated that the proposed cottage will likely look better than the existing, and that should the encroachments be removed he would want to see the ORA rehabilitated with vegetation and re-grading back to a natural slope. He noted that the cottage will look taller because it will contain a walkout basement, and recommended not going much further with granting any more exceptions on the property. He also noted that he would appreciate construction taking place in the off season, although he realizes this is not a regulated requirement. He also noted that a septic system would have to be approved for the larger dwelling. It was also noted that if the boathouse has decking on top, it would require an increased side yard.

Councillor Casey noted that there is an existing one storey log cottage on the property, and stated that one of her understandings is that if structure is legal non-conforming and is replaced, it cannot go higher than the existing structure. Mr. Pizon replied that the existing dwelling has a walkout basement and the main floor has a cathedral ceiling, and that the proposed dwelling would be approximately 3 ft higher than existing.

Mr. Szczerbak offered to make an appointment with Mr. Tapley to go through the calculations, and that if the proposal came forward as an application, they would do their best to include his requests and recommendations.

Acting Mayor Tapley summarized that the situation would generally be improved as the encroaching structures would be moved off the ORA, but that the proposal is still too big and would be better if reduced.

5. MINUTES

(a) To Be Adopted

- (i) Council Meeting for Planning Matters Only Minutes – December 18th, 2007

Resolution 5(a)(i)/01/22/08

Councillor Burgess 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 December 18th, 2007, as circulated.

Carried

(b) **To Be Received**

- (i) Committee of Adjustment Meeting Minutes – December 18th, 2007

Resolution 5(b)(i)/01/22/08

Councillor Boivin and Councillor Burgess

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 December 18th, 2007.

Carried

6. REPORTS AND BY- LAWS

(a) **Planning**

(i) **By-laws**

- (a) By-law: **08-15**
File: **Z 31/07 LOB (The Muskoka Heritage Trust (previously Lamon & McCann))**
Type: Amendment to By-law 04-180
Ward: Franklin
Applicant: The Muskoka Heritage Trust
Agent: Russ Black, president of The Muskoka Heritage Trust
Civic Address: Maplehurst Drive (vacant – no address)
Lot/Con: L 21, 22, 23 & 24, C 14

- Mr. Russ Black was present to represent the application
- Mr. Szczerbak reviewed the staff report
- There were no comments or questions from Council
- Mr. Black stated that rehabilitation will not be to completely maintain meadowland, but have a forested area as well. He noted that Westwind Forest Stewardship Inc. will plant 10,000 trees on a portion of the nature reserve and maintain them for 20 years. Acting Mayor Tapley asked if a portion of meadowland would be preserved. Mr. Black Russ showed a planting plan and that they would be planting trees on the easterly portion of the field and along Maplehurst Drive
- Acting Mayor Tapley read the following:

By-law 08-15 being a by-law to amend By-law 04-180 known as the Development Permit By-law (The Muskoka Heritage Trust)(Maplehurst Drive-vacant)(Franklin).

By-law 08-15 was read a first, second and third time and finally passed.

- (b) By-law: **08-16**
File: **Z 31/07 LOB (The Muskoka Heritage Trust (previously Lamon & McCann))**
Type: Amendment to By-law 04-181
Ward: Franklin
Applicants: The Muskoka Heritage Trust

Agent: Russ Black, president of The Muskoka Heritage Trust
Civic Address: Maplehurst Drive (vacant – no address)
Lot/Con: L 21, 22, 23 & 24, C 14

- Same information as Item (a) above
- Acting Mayor Tapley read the following:

By-law 08-16 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (The Muskoka Heritage Trust)(Maplehurst Drive-vacant)(Franklin).

By-law 08-16 was read a first, second and third time and finally passed.

(c) By-law: **08-17**
File: **Z 01/08 LOB (Nelson Lake Hunt Camp)**
Type: Amendment to By-law 04-180
Ward: Sinclair
Applicant: Nelson Lake Hunt Camp
Agent: Peter Cotterchio
Civic Address: Limberlost Road – no address assigned
Lot/Con: L 9, C 11, on Nelson Lake

- Mr. Peter Cotterchio and Mr. Peter Crossett were 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
- No questions or comments from Council
- Acting Mayor Tapley read the following:

By-law 08-17 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Nelson Lake Hunt Camp)(Limberlost Road-no address assigned)(Sinclair).

By-law 08-17 was read a first, second and third time and finally passed.

(d) By-law: **08-18**
File: **C 07/07 LOB (Kwinter)**
Type: Section 51(26) Agreement
Ward: Finlayson
Applicants: Kerri Kwinter & Neil Kwinter
Agent: David Shapeira
Civic Address: 1036 West Camp Lake Road
Lot/Con: L 12, C 5, on Camp 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 16/06 LOB**
- There were no questions or comments from Council, and Acting Mayor Tapley read the following:

By-law 08-18, being a by-law to authorize the Mayor and Clerk to sign documents with respect to a Section 51(26) Agreement between Kerri Beth Kwinter and Neil Stewart Kwinter and the Corporation of the Township of Lake of Bays (Kwinter)(1036 West Camp Lake Road)(Finlayson).

By-law 08-18 was read a first, second and third time and finally passed.

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

(a) File: **DP 116/07 LOB (Wallace)**
Ward: Franklin
Applicant: Craig Wallace
Agent: Tom Stead
Civic Address: 2795 South Portage Road
Lot/Con: L 29, C 4, on Lake of Bays

- Mr. Tom Stead was present to represent the application
- No one present in the gallery to speak to the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application
- There were no comments from Council, and Acting Mayor Tapley read the following resolution:

Resolution 6(a)(ii)(a)/01/22/08

Councillor Burgess and Councillor Cote

WHEREAS the applicants have submitted Development Permit Application DP 116/07 LOB (Wallace) in order to seek relief from:

- a) **Section 5.1.1(I)(Maximum Shoreline Activity Area Coverage), increase from the permitted 40% to 49% over what is existing (181%);**

of Development Permit By-law 04-180, in order to permit the construction of a 260 ft² addition onto the existing dock, located in Pt. Lot 29, Conc. 4, Franklin Ward, on Lake of Bays (Wallace) (2795 South Portage Road) (Franklin) (010-001-01200);

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: November 19th, 2007 and marked: DP 116/07 LOB;**
2. **That the permission granted herein shall lapse (*two years from the date of issuance of the permit*), unless the work for which the permission has been given has been completed. If the work has not been completed by the aforementioned date, this permit is invalid 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 131/07 LOB (McLean & Douglas)**
Ward: Ridout
Applicants: Alyson McLean & Stephen Douglas
Agent: Tom Stead
Civic Address: 2 Rabbit Bay (water access)
Lot/Con: Lot 35, C A, on Lake of Bays

- Mr. Tom Stead was present to represent the application
- No one in the gallery to speak to the application
- Mr. Szczerbak presented the staff report and noted that a previous Development Permit for an addition to the dwelling had been approved by Council
- Councillor Ross noted that the applicants were exceptional stewards of the land and had a well planted shoreline and therefore had no concerns
- Acting Mayor Tapley read the following resolution:

Resolution 6(a)(ii)(b)/01/22/08

Councillor Casey and Councillor Burgess

WHEREAS the applicants have submitted Development Permit Application DP 131/07 LOB (McLean & Douglas) in order to seek relief from:

- a) **Section 5.1.1(l)(Maximum Shoreline Activity Area Coverage), increase from the permitted 40% to 55%;**

of Development Permit By-law 04-180, in order to permit the construction of a 220 ft² addition onto the existing dock, located in Pt. Lot 35, Conc. A, Ridout Ward, on Lake of Bays (McLean/Douglas) (2 Rabbit Bay) (Ridout) (030-014-05900);

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: December 3rd, 2007 and marked: DP 131/07 LOB;**
2. **That the permission granted herein shall lapse (*two years from the date of issuance of the permit*), unless the work for which the permission has been given has been completed. If the work has**

not been completed by the aforementioned date, this permit is invalid 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 133/07 LOB (Ewart)**
Ward: Ridout
Applicants: Gary & Carol Ewart
Civic Address: 1348-1 Paint Lake Road
Lot/Con: Lot 11, C 10, on Paint 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 suggested planting a buffer along the lot line between the subject dwelling and the neighbour’s. He noted that the shed increased the lot coverage but that it was buffered from the driveway that traverses the rear of the property. He advised that staff had no concerns with the approval of the application provided that Council reduces the shoreline activity area by a corresponding amount to prevent further development of the lot
- Councillor Casey stated that she had no concerns with the approval, but noted condition no. 5 and the reference to planting of the SAA. Mr. Szczerbak stated that a previous minor variance approval contained a condition requiring a site plan agreement, and that plantings were put in place at that time, but give current snow conditions staff could not evaluate the plantings, but would place the property on a list for inspections along with other site plan agreements
- Councillor Ross stated that Mr. Ewart was in the process of planting the shoreline and will cooperate, and that these lots on Paint Lake are old and small
- There were no questions or comments from Council, and Acting Mayor Tapley read the following:

Resolution 6(a)(ii)(c)/01/22/08

Councillor Ross and Councillor Casey

WHEREAS the applicants have submitted Development Permit Application DP 133/07 LOB (Ewart) in order to seek relief from:

- a) **Section 5.1.1(f)(Minimum Interior Side Yard Setback); decrease from the previously approved 3 metres (9.5 feet) to 1.8 metres (6 feet) for the existing open wood deck located on the north side of**

the dwelling and 4.5 metres (15 feet) to 3 metres (9.8 feet to the north side of the dwelling;

- b) Section 5.1.1(i)(Maximum Lot Coverage); increase from the permitted 10.8% (as defined by the former by-law) total lot coverage to 19.7 % (as defined in the Development Permit By-law);
- c) Section 5.1.1(e)(Minimum Rear Yard Setback); decrease from the required 10 metres (32.8 ft) to 1.8 metres (5.8 feet); and
- d) Section 5.1.1(l) (Shoreline Activity Area Coverage), decrease from the required 40% to existing coverage.

of Development Permit By-law 04-180, in order to recognize the existing development on the subject lands, located in Pt. Lot 11, Conc. 10, Ridout Ward, on Paint Lake (Ewart) (1348-1 Paint Lake Road) (Ridout) (030-004-09200);

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: December 11th, 2007 and marked: DP 133/07 LOB;
- 2. That the permission granted herein shall lapse (*two years from the date of issuance of the permit*), unless the work for which the permission has been given has been completed. If the work has not been completed by the aforementioned date, this permit is invalid 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 and northerly side yard 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) Report: Release of Site Plan Agreements

- for information only

- Mr. Szczerbak presented the staff report
- There were no questions or comments from Council

7. CLOSED SESSION

Resolution 7(a)/01/22/08

Councillor Ross and Councillor Burgess

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)/01/22/08

Councillor Burgess and Councillor Cote

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

By-law 08-17A, being a by-law to authorize the Mayor and Clerk to sign a settlement agreement for Ontario Municipal Board Case No. PL070539, related to file DP 32/07 LOB (Langlois), between Janice Langlois and the Corporation of the Township of Lake of Bays.

By-law 08-17A was read a first, second and third time and finally passed.

9. CONFIRMING BY-LAW

By-law 08-19, being a by-law to confirm the proceedings of the meeting of Council held on January 22nd, 2008.

By-law 08-19 was read a first, second and third time and finally passed.

10. ADJOURNMENT

Resolution 10(a)/01/22/08

Councillor Burgess and Councillor Cote

Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 11:23 a.m. to meet again on February 5th, 2008, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.

Carried

Mayor

Clerk