





**Committee Deliberations:**

- Questions were asked to ascertain if a right-of-way also existed over the property identified on the sketch as "0324". Mr. Szczerbak advised that the applicant's agent had assured us that a right-of-way already existed over this particular property. Councillor Tapley advised she had no concerns with the approval of these applications, but asked that staff receive proof from the agent that a right-of-way existed over "0324"
- Acting Chairperson Casey read the following resolutions aloud:

**That application B 01/09 LOB (Robb) be APPROVED subject to the following conditions:**

**MOTION**

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

- (1) **That a registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two copies of the registered reference plan.**

**REASONS:**

1. **This application generally conforms to the intent of the District and Township Official Plans, and will serve to provide a right-of-way to a property to the west owned by Barry Campbell (Roll No. 030-012-06000).**

**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.**

**MOTION**

**MOVED BY: Nancy Tapley  
SECONDED BY: Ruth Ross**

**That application B 02/09 LOB (Solomon) be APPROVED subject to the following conditions:**

- (1) **That a registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two copies of the registered reference plan.**

**REASONS:**

1. **This application generally conforms to the intent of the District and Township Official Plans, and will serve to provide a right-of-way to a property to the west owned by Barry Campbell (Roll No. 030-012-06000).**

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.**

**MOTION**

**MOVED BY: Ben Boivin**

**SECONDED BY: Ruth Ross**

That application B 03/09 LOB (Dibblee) be **APPROVED** subject to the following conditions:

- (1) That a registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two copies of the registered reference plan.

**REASONS:**

1. This application generally conforms to the intent of the District and Township Official Plans, and will serve to provide a right-of-way to a property to the west owned by Barry Campbell (Roll No. 030-012-06000).

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.**

- ii) **B 04/09 LOB, Applicants: Peter & Virginia Dymott**  
Part Lots 16 & 17, Con. 9 & 10, Franklin Ward, 1114 Crosswinds Cove Road, on Lake of Bays  
Roll No: 010-009-03300  
Agent: John Jackson

**Present: John Jackson, agent, 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 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 staff had no concerns with the approval of the application subject to the recommended conditions. He noted that the dwelling shown on the sketch was not finalized and that staff would have to attend the site with Mr. Jackson to ensure this location is appropriate given the steep slopes present on the property

**Committee Deliberations:**

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

**MOTION**

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

That application B 04/09 LOB (Dymott) be **APPROVED** subject to the following conditions:

- (1) That a registrable description of the severed lands, together with the applicable rights of ways over the subject lands, be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) The Original Shore Road Allowance lying in front of the severed and retained lands shall be closed and conveyed into the same ownership as the proposed lots, and copies of the registered Transfer or Transfers be provided to the Secretary-Treasurer of the Committee of Adjustment;
- (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;
- (4) That the severed lands be re-designated within the Development Permit By-law No. 04-180, by means of the severed lands being amended to address appropriate development setbacks in an effort to place a building envelope away from the peak of the rock outcrop located on top of the sloping shoreline; and
- (5) Cash-in-lieu of parkland dedication to be paid to the Township of Lake of Bays in the amount of \$621.22.

**REASONS:**

1. This application generally conforms to the intent of the District and Township Official Plans, and will serve to create a new residential building lot together with a right-of-way.

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 03/04/05/08 LOB, Applicant: Betula Forests Limited**  
Part Lot 14, Con. 4, Sinclair Ward, 1500 Limberlost Road, on Pell Lake  
Roll No: 020-005-00400  
Agent: List Planning Ltd.  
*- Deferred to meeting of May 26, 2009 from the meetings of April 29, August 19 & Nov. 25, 2008, and Feb. 24, 2009*
- ii) **B 33 & 34/08 LOB, Applicant: Edward Sorbara, Trustee**  
Part Lot 21, Con. 7, Franklin Ward, 1060 Richards Island Road, on Lake of Bays  
Roll No: 010-014-08605  
Agent: Lanny Dennis of Wayne Simpson & Associates  
*- Deferred to meeting of May 26, 2009 from meeting of January 27, 2009*

**10. CLOSED SESSION**

NIL

**11. BUSINESS ARISING FROM CLOSED SESSION**

NIL

**12. OTHER MATTERS**

**MOTION**

**MOVED BY: Nancy Tapley**  
**SECONDED BY: Ruth Ross**

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

**CARRIED.**

- i) **B 05/09 LOB, Applicant: Estate of George McCullagh**  
**Validation Certificate**  
Part Lot 22, Con. 6 & 7, Franklin Ward, Hemlock Ridge Road - vacant, on Lake of Bays  
Roll No: 010-009-03300  
Agent: Susan Rosen of Gowling Lafleur Henderson LLP

**Present: No one was present to represent the application**

**No Persons in Attendance in Favour of Requested Validation Certificate  
No Persons in Attendance Opposed to Requested Validation Certificate**

**Planning Department Submission – Stefan Szczerbak, Township Planner**

- He presented the staff report and advised that staff had no concerns with the issuance of a validation certificate

**Committee Deliberations:**

- There were no questions or comments from committee members and Acting Chairperson Casey read the following decision aloud:

**DECISION Re. Application B 05/09 LOB**

Upon application for a Validation Certificate under Section 57 of the Planning Act for the lands described in the above noted file, the Township of Lake of Bays, Committee of Adjustment hereby APPROVES said application and directs the Secretary Treasurer to issue a Certificate of Validation as follows:

**Parcel 35068 SEC MUSKOKA**

**Part Lot 22, Concession 7, Franklin Ward**

**Part 10 on Plan 35R-18654**

**Together with a Right-of-Way over Parts 2 & 3 on Plan 35R-18654 as in LT218843**

**Together with a Right-of-Way over Part 8 on Plan 35R-18654 as in LT21897**

**Together with a Right-of-Way over Part 5 on Plan 35R-18654 as in \_\_\_\_\_**

*(validation order registration number)*

**Together with a Right-of-Way over Part 5 on Plan BR-1311 as in LT21109 now described as Part 2 on Plan 35R-2725**

**In the Township of Lake of Bays**

**District Municipality of Muskoka**

In addition, this Decision will serve to acknowledge that the correct date of endorsement of the deeds endorsed for consent applications B 11 & 12/00 LOB should be the year "2001" instead of "2000".

**REASONS:**

1. This application generally conforms to the intent of the District and Township Official Plans, and the validation certificate will serve to clarify that Part 10 on Plan 35R-18654 (Roll No. 010-014-10600) is entitled to a right-of-way over Parts 2, 3, 5 & 8 on Plan 35R-18654.

**CARRIED.**

**13. ADJOURNMENT**

The meeting was adjourned at 9:30 a.m.

**MOTION**

**MOVED BY: Ben Boivin**

**SECONDED BY: Virginia (Ginny) Burgess**

The Committee of Adjustment hereby adjourns the meeting of March 24<sup>th</sup>, 2009.

**CARRIED.**

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
SECRETARY-TREASURER

DRAFT