



Township of Lake of Bays Municipal Offices
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COUNCIL MEETING FOR *PLANNING MATTERS ONLY*
of
The Corporation of the Township of Lake of Bays
November 24th, 2009
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 November 24th, 2009 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

Attendance:

Mayor: Janet Peake

Councillors: Ben Boivin (District – Franklin/Sinclair/Finlayson)
Margaret Casey (District – Ridout & McLean)
Philip Cote (McLean)
Ruth Ross (Ridout)
Virginia (Ginny) Burgess (Sinclair/Finlayson)

Absent: Nancy Tapley (Franklin)

Planner: Stefan Szczerbak
Deputy Clerk: Terri-Lyn Magee

1. MEETING CALLED TO ORDER

The meeting was called to order at 10:20 a.m., on November 24th, 2009, by Mayor Peake.

2. APPROVAL OF AGENDA

Resolution 2(a)/11/24/09

Councillor Burgess and Councillor Boivin

Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated November 24th, 2009, be adopted.

Carried

3. DISCLOSURE OF PECUNIARY INTEREST

Nil

4. DEPUTATIONS / DELEGATIONS

Nil

5. MINUTES

(a) **To Be Adopted**

- (i) Council Meeting for Planning Matters Only Minutes – October 27th, 2009

Resolution 5(a)(i)/11/24/09

Councillor Casey and Councillor Ross

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 October 27th, 2009, as circulated.

Carried

- (b) **To Be Received**

- (i) Committee of Adjustment Meeting Minutes – October 27th, 2009

Resolution 5(b)(i)/11/24/09

Councillor Ross and Councillor Casey

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 October 27th, 2009.

Carried

6. REPORTS AND BY- LAWS

- (a) **Planning**

- (i) **By-laws**

- (a) **By-laws: 09-114, 09-115 & 09-117**
Files: Z 28 & 29/09 LOB and C 05/09 LOB (Pelude & Rutherford)
Type: Amendment to By-laws 04-181 & 04-180, as well as a Section 51(26) (Consent) Agreement
Applicants: Ivar Pelude & Marilyn Rutherford
Civic Address: Timberlost Road - vacant
Lot/Con/Ward: L 1 & 2, C 7, Finlayson, on Dotty Lake
Roll No. 020-012-00200
- carried forward from the meetings of September 22nd and October 27th, 2009

- Ms. Rutherford, applicant, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff recommended a further deferral in order to allow time to address the public comments received during the statutory public meeting for the Rezoning and Development Permit By-law applications
- Ms. D. Anne Cheney spoke to the matter siting concern for the further removal of vegetation along the newly established right-of-way. She requested that Council address her concern. Mr. Szczerbak advised that the By-law Enforcement Officer would be involved in working forward in this direction and that if something were brought forward, that it would be dealt with in Closed Session. Speaking further to the matter, Mayor Peake reassured Ms. Cheney that the By-law Enforcement Officer would be directed to go out and formally investigate the situation

- Councillor Burgess advised of her belief that the issue of lot grading and drainage concerns would be addressed in the stormwater management and construction mitigation report
- Mayor Peake read the following:

Resolution 6(a)(i)(a) & (b)/11/24/09

Councillor Ross and Councillor Casey

That Applications Z 28/09 LOB (Pelude & Rutherford) for an amendment to the Comprehensive Zoning By-law No. 04-181, Z 29/09 LOB (Pelude & Rutherford) for an amendment to the Development Permit By-law No. 04-180 and C 05/09 LOB (Pelude & Rutherford), a 51(26) Agreement, all submitted to fulfill conditions of Consent Application B 29/07 LOB, for the purpose of creating two new residential lots, be DEFERRED to permit additional time to address the public comments received by neighbours during the statutory public meeting for these applications.

Carried.

- (b) By-law: 09-117
File: C 05/09 LOB (Pelude & Rutherford)
Type: Consent [Section 51(26)] Agreement
Applicants: Ivar Pelude and Marilyn Rutherford
Civic Address: Limberlost Road - vacant
Lot/Con/Ward: L 1 & 2, C 7, Finlayson
Roll No.: 020-012-00200
- carried forward from the meetings of September 22nd and October 27th, 2009

- See concurrent Items 6(a)(i)(a) & 6(a)(i)(b) (files Z 28 & 29/09 LOB) respecting discussion on this matter, which was deferred

- (c) By-law: 09-144
File: Z 33/09 LOB (Bartlett)
Type: Amendment to By-law 04-180
Applicants: George and Emelita Bartlett
Agent: Sandy Forsyth of Mitchell Architects
Civic Address: 139 Price Point Road
Lot/Con/Ward: L 9, C 13, McLean, on Lake of Bays
Roll No.: 040-016-05400

- Ms. Sandy Forsyth, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that based upon a recent site visit which confirmed the presence of steep slopes, a site evaluation report would need to be prepared in order to ascertain the appropriateness of the proposed location of the dwelling. As well, in light of concerns raised by the Chief Building Official related to the location of where a potential septic system may be located, he recommended deferral of the application
- Mr. Szczerbak also advised of a letter of support recently received from Mr. Horst, the abutting land owner to the northeast
- Councillor Boivin asked if there was an existing septic system on the subject lands. Ms. Forsyth confirmed there was but that the Surveyor had not shown it on the sketch. Mr. Szczerbak advised that the site plan which is required to be submitted would detail its location
- Councillor Boivin requested clarification for percent lot coverage. Mr. Szczerbak, unable to put his fingers on it, advised that this number would be confirmed and brought forward at the next meeting

- Councillor Ross requested clarification for the means of access to the property. Ms. Forsyth confirmed the means of entrance and stated that there would be no change with respect to the entrance
- In respect of the steep slopes and the future building site, Councillor Casey stated her concern for access during construction and her hope that the Site Evaluation Report which is to be prepared would address the means of access for building purposes
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

Resolution 6(a)(i)(c)/11/24/09

Councillor Burgess and Councillor Cote

BE IT RESOLVED THAT in the matter of by-law amendment application Z 33/09 LOB (Bartlett) to redevelop the property with a new two storey dwelling (1761 ft²) with attached deck (590 ft²) and a garage (750 ft²), while converting the existing dwelling into a 581 ft² legal, non complying sleeping cabin, the Council of the Corporation of the Township of Lake of Bays hereby DEFERS the application to the meeting of December 15th, 2009 in order to allow the applicant with sufficient time to submit: a) a site evaluation report in accordance with Sections E.5 and H.20 of the Township Official Plan; and b) a septic evaluation report identifying the existing and proposed septic locations, both completed to the satisfaction of the Township.

Carried.

(d) By-law: 09-145
File: Z 34/09 LOB Scott & Sanderson (The Moose Café)
Type: Amendment to By-law 04-181
Applicants: Janine Scott and Gary Sanderson
Agent: Terry Sararas of Marie Poirier Planning and Associates
Civic Address: 2803 Highway No. 60
Lot/Con/Ward: L 11 & 12, C 11, Franklin, Dwight
Roll No.: 010-008-00600

- Mr. Terry Sararas, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application
- Councillor Boivin stated his desire for Council to meet with representatives from MTO as soon as possible in respect of their apparent initiatives regarding entrances within the community boundaries
- Mr. Sararas advised that this application had only been submitted to increase the percent lot coverage to that of 10% and that regardless of MTO's comments, the application should proceed on its own merits
- Mr. Sanderson, applicant, was present in the gallery and reiterated the apparent need to meet with representatives from MTO as soon as possible noting that they are presently doing a lot of work along the Hwy 60 corridor
- Mayor Peake read the following:

By-law 09-145 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Moose Café)(2803 Hwy No. 60)(Franklin).

By-law 09-145 was read a first, second and third time and finally passed.

(e) By-law: 09-146
File: D 09/09 LOB (Janine Scott & Gary Sanderson – The Moose Café)
Type: Section 41 [Site Plan] Agreement
Applicants: Janine Scott and Gary Sanderson (The Moose Café)
Agent: Terry Sararas of Marie Poirier Planning and Associates
Civic Address: 2803 Hwy No. 60
Lot/Con/Ward: L 11 & 12, C 11, Franklin, Dwight
Roll No.: 010-008-00600

- Mr. Terry Sararas, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended that the application be approved
- Mr. Sararas advised of his desire for the MTO to retain the property's second entrance. Further, with respect to the timelines permitted from a building perspective, he asked that in order to provide for greater flexibility, the timeline on any building permit be extended to 36 months. Mr. Szczerbak speaking to this request, stated that staff would have no concerns in this regard
- There were no questions or comments from Council
- Mayor Peake read the following.

By-law 09-146, being a by-law to authorize the Mayor and Clerk to sign documents with respect to Section 41 Agreements between Janine Scott and Gary Sanderson (The Moose Café), and the Corporation of the Township of Lake of Bays (Sanderson/Scott – The Moose Café) (2803 Hwy No. 60)(Franklin)

By-law 09-146 was read a first, second and third time and finally passed.

(f) By-law: 09-147
Files: Z 35/09 LOB (Alcott)
Type: Amendment to By-law 04-181
Applicant: Steven Alcott
Agent: Michelle Holt-Alcott
Civic Address: 1183 Echo Lake Road
Lot/Con/Ward: L 10, C 8, McLean
Roll No.: 040-006-00400
concurrent with Consent application B 22/09 LOB

- Ms. Michelle Holt-Alcott, agent, was present to represent the application
- No one was present in the gallery who wished to speak to the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application, as it fulfilled a condition of the consent approval for B 22/09 LOB
- There were no questions or comments from Council
- Mayor Peake read the following:

By-law 09-147 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Alcott)(1183 Echo Lake Road)(McLean).

By-law 09-147 was read a first, second and third time and finally passed.

(g) By-law: 09-148
File: D 11/09 LOB (2102711 Ontario Inc. – Dwight Market)
Type: Section 41 [Site Plan] Agreement
Applicant: 2102711 Ontario Inc. (Dwight Market)
Agent: Terry Sararas of Marie Poirier Planning and Associates
Civic Address: 2836 Hwy No. 60
Lot/Con/Ward: L 10, C 11, Franklin, Dwight
Roll No.: 010-008-03900

- Mr. Terry Sararas, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and recommended that in light of correspondence recently received from the MTO, that the matter be deferred in order to address their concerns
- There were no questions or comments from Council
- Mayor Peake read the following:

WHEREAS the applicant has submitted site plan agreement application D 11/09 LOB (2102711 Ontario Inc. – Dwight Market) in relation to minor variance application A 01/09 LOB for an expansion of the existing structure for retail store purposes.

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby DEFERS making a decision on this file to the January, 2010 meeting of Council in order to provide the applicant with an opportunity to address concerns from the Ministry of Transportation as outlined in their letter dated November 18th, 2009.

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

(a) File: DP 77/09 LOB (Stephen)
Applicants: Sharon & James Stephen
Agent: David Robson of David Robson & Associates
Civic Address: 1571-1 Fieldale Road
Lot/Con: L 1 & 2, C 7, Sinclair, on Rebecca Lake
Roll No.: 020-008-08700

- Mr. Robson, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that while staff could not support the application, Council may wish to give it consideration based upon those reasons outlined in staff's report. In addition, he referred to correspondence that had been received from the adjacent land owner to the east, Mr. Richard Hogg and which was contained in the Supplementary Information Package provided to Council
- Referring to the sketch, Councillor Boivin asked about the closeness of the building and whether or not the deck was getting closer. Mr. Szczerbak confirmed that the deck was encroaching closer to the water's edge, however, the Building Department had advised that they had no concerns with the proposal
- Councillor Burgess familiar with the property, confirmed that it was well vegetated and that she had no concerns with providing her support to the proposal
- Mr. Robson speaking to the matter reminded that he was working with an existing situation and advised that he had tried to do something that was the least intrusive adding that no vegetation would have to be removed
- Councillor Ross inquired about the means of access to the subject lands to which Mr. Stephen, the applicant replied that it was via an existing right-of-way off of Fieldale Road
- Mayor Peake read the revised resolution as follows:

Resolution 6(a)(ii)(a)/11/24/09

Councillor Cote and Councillor Burgess

WHEREAS the applicant has submitted Development Permit Application DP 77/09 LOB (Stephen) in order to seek relief from:

- i) Section 5.1.1(d) (Minimum Shoreline Yard Setback), reduce from a required 30 metres (98.4 feet) to 26 metres (85 feet);**

of Development Permit By-law 04-180, in order to expand the livable area of the existing dwelling, as well as extend the existing open deck, as illustrated on the attached sketch, located in Pt. Lots 1 & 2, Conc. 7, Sinclair Ward, on Rebecca Lake (Stephen) (1571-1 Fieldale Road) (Sinclair) (020-008-08700);

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: October 2nd, and marked: DP 77/09 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 maintained. 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; and**
- 6. That the recommendations contained in the fisheries impact assessment report prepared by Riverstone Environmental Solutions Inc. and dated November 6th, 2009 be implemented in order to mitigate any possible negative impacts.**

Carried.

(iii) Other

a) **Verbal Development Permit By-law Update Report**

- Ms. Hastings, Planner with the District of Muskoka, was present and provided a verbal update of those items contained in a work plan and proposed to be included in a forthcoming amendment to the Development Permit By-law
- She advised that there was a lot of support for the By-law's simplification expressed by a working group which recently met and was comprised of a number of local planning consultants together with Township staff. She further advised that the group had reached consensus on about 80% of those items tabled for discussion; the matters included but were not limited to the definition of a storey, the measuring of height, shoreline activity areas etc
- A discussion ensued respecting the need for a public meeting to occur in which the proposed changes would be presented, when that may occur as well as an opportunity for Council to review such amendments prior to a public meeting date. Mr. Szczerbak speaking to the matter suggested that it may be best to have a public meeting take place in the later part of January in order to provide sufficient time for proper circulation and mindful of the upcoming holiday season
- Mr. Paul Hutchison, representative of the Peninsula Lake Association, was present to speak to the matter and referring to the minutes of October 27th, 2009, wondered why those interested residents were not also contacted to participate in the recently established working group. Mr. Brian Simpson, representative of the Lake of Bays Association, suggested that it may have been because the Lake of Bays Association has members with Planning expertise and whereas the Peninsula Lake Association does not. Ms. Hastings speaking further to the matter advised that an attempt to contact Mr. Hutchison had been made to which it was later learned that the email address used to contact Mr. Hutchison had recently been changed. Mr. Szczerbak also speaking to the matter confirmed that there would still be plenty of opportunity for public input
- Mayor Peake thanked Ms. Hastings for her efforts and the works of staff with local planning consultants in the preparation of the proposed amendment and read aloud the following resolution:

Resolution 6(a)(iii)(a)/11/24/09

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby directs staff to bring forward proposed amendments to Development Permit By-law 04-180 for Council's review prior to circulation in advance of a public meeting.

Carried.

b) **Discussion Agenda and Presentation Format**

- Mr. Szczerbak asked Council to comment upon the revamped agenda and presentation format being used this day. He asked for specific comment on the brevity of the reports and which still highlighted the most relevant aspects of each proposal, the use of the air photos as well as having available for review larger scale copies of file site plans
- Councillor Boivin advised that the change was duly noted and favourably received, that it was definitely a positive approach and that sticking to the facts was great
- Councillor Burgess was very appreciative of the information and the brevity of the report writing and thanked staff for all of their efforts

- Mayor Peake stated that the revised format was helpful in lightening the load and also applauded staff for their efforts
- Mr. Szczerbak reminded Council that the reports are for the Councillors in order that they can help direct staff accordingly
- Councillor Boivin speaking to the availability of the air photos commented upon the tremendous advantage that they provide to the Councillors as they are not able to visit all of the sites subject of the applications
- Mr. Brian Simpson, representative of the Lake of Bays Association, also speaking to the matter wondered if there may be an opportunity to include the air photos on the Township's website in order to better assist when reviewing the various applications. Mr. Szczerbak advised that the information was already public information made available on the District's website and that to incorporate it into an already wealth of information on the Township's website would not necessarily be advantageous

7. CLOSED SESSION

NIL

8. BUSINESS ARISING FROM CLOSED SESSION

No matters to discuss from Closed Session

9. CONFIRMING BY-LAW

By-law 09-149, being a by-law to confirm the proceedings of the meeting of Council held on November 24th, 2009.

By-law 09-149 was read a first, second and third time and finally passed.

10. ADJOURNMENT

Resolution 10(a)/11/24/09

Councillor Casey and Councillor Ross

Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 11:45 a.m. to meet again on December 8th, 2009, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.

Carried

Mayor

Deputy Clerk