

The Committee of Adjustment hereby constitutes itself for the purpose of hearing matters in accordance with the Planning Act, namely, Minor Variances and Consents.

CARRIED.

3. ADDITIONS TO AGENDA

There were no additions to the agenda, nor was there a supplementary information package.

4. DISCLOSURE OF PECUNIARY INTEREST

NIL

5. ADOPTION OF MINUTES

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

The Committee hereby adopts the Minutes of the Committee of Adjustment for the Township of Lake of Bays for the meeting of December 16th, 2008, as circulated.

CARRIED.

6. DELEGATIONS

NIL

7. MINOR VARIANCES

NIL

8. CONSENTS

- i) **B 16/08 & 17/08 LOB, Applicant: Betula Forests Limited**
 Part Lot 25, Con. 3, Sinclair Ward, Harp Lake Road - vacant
 Roll No: 020-003-10200
 Agent: List Planning Ltd.
 - *Carried forward from the meetings of June 24, September 23 &
 Nov. 25, 2008*

Present: **Mr. Bob List, agent**

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 staff had no concerns with the approval of the application subject to the recommended conditions

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: Ben Boivin

That application B 16/08 LOB (Betula Forests Limited) be **APPROVED** subject to the following conditions:

- (1) A registrable description of the severed lot and all applicable rights-of-way be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) That the severed lot be brought into conformity with the applicable Township by-law by rezoning it to a Rural Residential with an Exception "(RR-Exx)" zone in order to recognize an increased rear yard setback and any deficiencies that may be noted;
- (3) 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 severed lot. The Agreement shall state that a Site Plan Agreement, pursuant to Section 41 of the Planning Act, is required prior to development, site alteration, vegetation removal, or issuance of a building permit on the subject lands. Said site plan agreement is to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, as well as to ensure the retention of natural vegetation along the road frontage of Harp Lake Road, in accordance with Section I.18 of the Township Official Plan.
- (4) 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.
- (5) That the applicant apply for and receive an entrance permit from the Public Works Department.
- (6) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$1,600.00.

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.

MOTION

MOVED BY: Margaret Casey
SECONDED BY: Ruth Ross

That application B 17/08 LOB (Betula Forests Limited) be **APPROVED** subject to the following conditions:

- (1) A registrable description of the severed lot and all applicable rights-of-way be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) That the severed lot be brought into conformity with the applicable Township by-law by rezoning it to a Rural Residential with an Exception "(RR-Exx)" zone in order to recognize an increased rear yard setback and any deficiencies that may be noted;
- (3) 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 severed lot. The Agreement shall state that a Site Plan Agreement, pursuant to Section 41 of the Planning Act, is required prior to development, site alteration, vegetation removal, or issuance of a building permit on the subject lands. Said site plan agreement is to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, as well as to ensure the retention of natural vegetation along the road frontage of Harp Lake Road, in accordance with Section I.18 of the Township Official Plan.
- (4) 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.
- (5) That the applicant apply for and receive an entrance permit from the Public Works Department.
- (6) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$1,600.00.

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.

- ii) **B 29/08 LOB, Applicants: Joan Klomparens, Virginia Burt & Timothy Callahan, Trustees**
Part Lot 12, Con. 11, McLean Ward, 1140 North Burnt Island Road, on Lake of Bays
Roll No: 040-016-02101
Agent: Nicholas Roche of Lee, Roche & Kelly
- Carried forward from the meeting of Nov. 25, 2008

Present: Mr. Nicholas Roche, agent

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 recommended deferral of the application in order to allow additional time for the submission of two additional applications for a right-of-way across the two properties that exist between the subject lands and the benefiting lands

Committee Deliberations:

- Concern was expressed about the possibility that if approved there would be no guarantee that the two properties in the middle would submit applications to legalize the entire right-of-way, and that it made sense to wait for the two additional applications
- Mr. Roche advised that the owners of the two properties had been approached but there was no agreement in place with them, and that his clients wished to finalize the application, noting that the road had been there for over 50 years and the location hadn't changed in that time
- There were no other questions or comments from committee members and Chairperson Peake read the following resolution aloud:

MOTION

MOVED BY: Ben Boivin
SECONDED BY: Phillip Cote

That application B 29/08 LOB (Klomparens et al) 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 registered copies of the 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 east owned by Jeff Wilson (Roll No. 040-016-02101).**

CARRIED.

- iii) **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

Present: Mr. Lanny Dennis, agent

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 recommended that a decision on the files be deferred given the steep slopes present along the shoreline of the property

Committee Deliberations:

- There were no questions or comments from committee members

Lanny Dennis, agent:

- He advised that he had reviewed report and on behalf of his clients he accepted the deferral and agreed with Mr. Szczerbak, that he had looked at possible envelopes and access to the shoreline, and was confident that any proposed development could be accommodated. He noted that the shoreline of all of the property was well vegetated with conifers, and asked about the necessity of rezoning to recognize the Type 1 fish habitat that was present, and if it could instead be recognized through the Development Permit process
- Mr. Szczerbak advised that the Development Permit by-law and the Department of Fisheries and Oceans often permits structures to be located in Type 1 fish habitat, and that in order to seriously protect the habitat, the area be rezoned to specify that no structures be permitted within the habitat

MOTION

MOVED BY: Nancy Tapley

SECONDED BY: Ruth Ross

That applications B 33/08 and B 34/08 LOB be DEFERRED until the May 26th, 2009 meeting of the Committee in order to allow sufficient time for the applicant to submit a site evaluation report in accordance with Section E.4 of the Township Official Plan, completed to the satisfaction of the Township.

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
Roll No: 020-005-00400
Agent: List Planning Ltd.
- Deferred to meeting of February 24, 2009 from meetings of April 29, August 19 & Nov. 25, 2008

Mr. Robert List was present for another matter and took the opportunity to update Committee respecting these files. He advised that he had received the archaeological report, and that although he hadn't reviewed it in depth, he noted that no recommendations had been made. He advised that he had spoken with a member of the Lake of Bays Heritage Committee regarding the report, who told him that the Heritage Committee would like something done to recognize the historical aspects of the property. Mr. List stated that he would look into some type of easement to address this, and that he wanted to meet with Mr. Szczerbak and a member of the Heritage Committee to establish the area to be involved in it. He also advised that it was his understanding that the biophysical report had been received by staff and was being reviewed.

10. CLOSED SESSION

NIL

11. BUSINESS ARISING FROM CLOSED SESSION

NIL

12. OTHER MATTERS

MOTION

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

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

CARRIED.

NIL

13. ADJOURNMENT

The meeting was adjourned at 9:55 a.m.

MOTION

MOVED BY: Margaret Casey
SECONDED BY: Ruth Ross

The Committee of Adjustment hereby adjourns the meeting of January 27th, 2009.

CARRIED.

CHAIRPERSON

SECRETARY-TREASURER

DRAFT