



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**  
**February 24<sup>th</sup>, 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 February 24<sup>th</sup>, 2009 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance:**

**Acting Mayor:** Margaret Casey (District – Ridout/McLean)  
**Councillors:** Nancy Tapley (Franklin)  
Ruth Ross (Ridout)  
Philip Cote (McLean)  
Ben Boivin (District – Franklin/Sinclair/Finlayson)  
**Absent:** Janet Peake  
Virginia (Ginny) Burgess (Sinclair/Finlayson)  
**Planner:** Stefan Szczerbak  
**Deputy Clerk:** Kelly Stronks

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 9:15 a.m., on February 24<sup>th</sup>, 2009, by Acting Mayor Casey.

**2. APPROVAL OF AGENDA**

A supplementary information package for items already on the agenda was provided to each Council member.

**Resolution 2(a)/02/24/09**

**Councillor Boivin and Councillor Cote**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated February 24<sup>th</sup>, 2009, be adopted as circulated.**

**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 – January 27<sup>th</sup>, 2009

**Resolution 5(a)(i)/02/24/09**

**Councillor Cote 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 January 27<sup>th</sup>, 2009, as circulated.**

**Carried**

(b) **To Be Received**

- (i) Committee of Adjustment Meeting Minutes – January 27<sup>th</sup>, 2009

**Resolution 5(b)(i)/02/24/09**

**Councillor Boivin and Councillor Cote**

**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 January 27<sup>th</sup>, 2009.**

**Carried**

**6. REPORTS AND BY-LAWS**

(a) **Planning**

(i) **By-laws**

- (a) By-law: **08-287**  
Files: **Z 41/08 LOB (Jesin)**  
Type: **Amendment to By-law 04-181**  
Applicants: **Isaac Jesin**  
Agent: **Jerry Jesin**  
Civic Address: **1086 Burlmarie Road**  
Lot/Con/Ward: **L 14, C 8, McLean, on the South Branch of the Muskoka River**  
Roll No.: **040-007-06700**

- Dr. Jerry Jesin, agent, and Mr. Gord Laxson, architect, were present to represent the application
- Mr. Szczerbak presented the staff report, and noted that the draft by-law that was in the agenda had been amended slightly. He also noted that by-law schedule had been changed to show "be removed" instead of "to remain" for cabin D
- Councillor Tapley asked what the current zoning was, and Mr. Szczerbak confirmed that it was community residential and being used as a private residential property in a family compound. Councillor Tapley agreed with moving the proposed cabins further back from the

water, but noted that they are no longer cabins, they are two storey with a finished basement, that the footprint was now much larger, and that she preferred the appearance of cabin E. She also questioned the kitchens that were shown in the sketches, and Mr. Szczerbak clarified that the proposed cabins do not include kitchens and that the building official would review any plans to ensure that kitchens are not included. He also noted that the draft by-law specifies that basements will only be used for storage purposes

- Councillor Boivin clarified the number of structures present on the property, pointed out the intensity of development, and wondered about coverage. Mr. Szczerbak acknowledged that there were legal non-conforming structures present, and that coverage had been calculated and it met the by-law requirements
- Dr. Jesin provided a photo showing the existing cabins, and that they were not very visible, and that the new cabins would be only slightly higher and built into the slope of the bank. He stated that Mr. Szczerbak had made it clear that kitchens were not allowed in sleeping cabins and assured Council that there would not be kitchens. Dr. Jesin also noted that cabin G was proposed to have a covered porch on it, and he asked that Council consider the same for cabin F, which currently showed a deck but no porch. Mr. Szczerbak addressed this and stated that should Council agree to consider this, he recommended that the application be deferred in order to ensure the draft by-law was absolutely correct
- Councillor Tapley advised that she did not have a concern with the additional covered porch, but still had a concern with two storey sleeping cabins with basement that do not look like they will be used for storage but rather living area
- The remainder of Council did not have a concern with the a covered porch being added to cabin F
- Mr. Szczerbak stated that the specifications for cabin F would need to be modified to mimic cabin G, and that changes in numbers would need to be made to the by-law
- Mr. Laxson noted that regarding the comments regarding the size and appearance of the proposed cabins, that there will be vegetation kept in front of them, and that there was a shading factor provided by the decks that would reduce the appearance of massing. He advised that if they didn't build into the slope of the bank, they would have to bring in fill which would have more impact
- To Councillor Tapley's continued concern with the size of the cabins being too large, Mr. Szczerbak noted that the property was in a residential area where they are not permitted at all, and therefore the size is more open than if it was in the Development Permit area where there was a specific size identified
- The application was deferred to the meeting of March 24<sup>th</sup>, 2009 to allow time for the by-law to be amended to provide for a covered porch on cabin F
- No one was present in the gallery

(b) By-law: 09-13  
Files: Z 51/08 LOB (Martin & Wraith)  
Type: Amendment to By-law 04-180  
Applicants: Geoffrey Martin & Marnie Wraith  
Civic Address: 1002 Wawa Lane  
Lot/Con/Ward: L 24, C 13, Ridout, on Lake of Bays  
Roll No.: 030-011-12700

- Ms. Marnie Wraith, applicant, was present to represent the application
- No one was present in the gallery

- SS presented staff report, advised that the Coast Guard had reviewed and approved the plans, and noted recent correspondence from Frank and Cathy Dennis, and also from Gordon Henderson, which was contained in the supplementary information package, and proceeded to read these
- Acting Mayor Casey also read an email that she had received from those individuals
- Councillor Tapley stated her agreement with an end cap size at the end of the dock of 8 by 16 ft or 10 x 14 ft, as proposed in Mr. Dennis' correspondence
- Rationale was requested as to why the end cap was proposed to be 180 sq ft and not 140 ft
- Councillor Ross commented that 10 by 14 ft is an adequate size for an end cap, and that this was lots of space in this congested area of shoreline
- Ms. Wraith stated that they had been advised that they require an end cap size of 10 by 18 ft in order to structurally build this dock, and that they prefer to cribs to allow a throughway for water to circulate between them. It was their understanding that this was the smallest structure they could have with two cribs, and that if it were smaller it would have to be one big crib which wasn't favourable to the Ministry of Natural Resources (MNR). She noted that they had a letter from the previous owner that stated an end cap of 10 by 18 ft used to be there. She advised that at the last meeting they had listened to the neighbour's concerns and changed their proposal accordingly
- It was asked if the cribs were already in place. Ms. Wraith replied they were, and that they were hoping to clean up the rocks from the previous "T" formation that used to exist at the end of the dock and move them into an "L" formation and shift more of the development in front of their property. Councillor Boivin commented that if there was a "T" formation there before, there would have had to have been some post to support it. Ms. Wraith advised the post was still visible above the water and they will clean up the rock fronting the Dennis property as well in order to put into the new dock cribs. Councillor Boivin stated his surprise that the MNR would approve the relocation of rock
- Councillor Cote asked if the 8 by 16 ft end cap proposed by neighbours fit onto the existing cribs and how far apart the cribs were. Ms. Wraith advised that the smallest the cribs could be were 8 by 8 ft. Councillor Tapley referred to the crib sketch and noted that there was a throughway of only two feet between the cribs. Mr. Szczerbak stated that perhaps it would be better to have Mr. Greenaway, their contractor, explain what currently existed there, and that clarification from MNR may have to be obtained about their requirements. Councillor Boivin noted that it would be possible to cantilever part of the end cap as well
- Mr. Szczerbak clarified with Council that they agreed with a ten ft dock extension, and that an end cap of 10 by 14 ft was satisfactory
- Ms. Wraith stated that they proposed a 10 by 18 ft end cap in order to protect their boat, but they would prefer 18 by 20 ft to protect it further
- Council deferred the application to the meeting of March 24<sup>th</sup>, 2009 in order for the applicant to come up with a design that reflected Council's concerns

(c) By-law: 09-29  
Files: Z 04/09 LOB (Elliott)  
Type: Amendment to By-law 04-180  
Applicant: Howard Elliott  
Agent: Nancy LeBlanc of Planscape  
Civic Address: 25141 Highway 35  
Lot/Con/Ward: L 7, C 6, Franklin, on Lake of Bays

Roll Nos.: 010-019-00700

- No one was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that the applicant's agent had requested a deferral of the application to the April 28<sup>th</sup>, 2009 meeting in order to re-circulate the application to address the additional length that the proposed boat port extended from the shoreline. He advised that staff had no concerns with the deferral
- There were no questions or comments from Council members
- No one was present in the gallery who wished to speak to the application
- The application was deferred to the meeting of April 28<sup>th</sup>, 2009

(d) By-law: **09-30**  
File: **Z 05/09 LOB (Tanzer)**  
Type: **Amendment to By-law 04-180**  
Applicants: **Janet & Herb Tanzer**  
Agent: **Portico Timberframes**  
Civic Address: **733 Port Cunnington Road**  
Lot/Con/Ward: **L 20, C 3, Franklin**  
Roll No.: **010-016-0801**

- Mr. Brad Johnson, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report, and noted that an additional letter had been submitted by the agent and was contained in the supplementary information package
- No one was present in the gallery who wished to speak to the application
- Acting Mayor Casey read the following:

By-law 09-30 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Tanzer)(1733 Port Cunnington Road)(Franklin).

**By-law 09-30 was read a first, second and third time and finally passed.**

(e) By-law: **09-31**  
File: **Z 06/09 LOB (Salapatek)**  
Type: **Amendment to By-law 04-180**  
Applicant: **Stan & Iwona Salapatek**  
Agent: **Mark Ritchie of Solo Design and Drafting**  
Civic Address: **1265 Dickie Lake Road**  
Lot/Con/Ward: **L 13, C 6, McLean, on Dickie Lake**  
Roll No.: **040-003-02200**

- Mr. Mark Ritchie, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report, and noted that a modified plan had been provided by the agent that involved cutting off a corner of the proposed addition such that it was not infringing closer to the shoreline than the existing dwelling and deck
- Council asked what the condition of the shoreline was. Mr. Szczerbak replied that directly in front of the dwelling there was an extensive amount of vegetation but moving south there were more open areas, and that there would be some minor visual impacts when viewed from water, and there was a provision in the draft by-law to re-vegetate portions

- Council agreed that cutting off a corner of the addition for the sake of two feet did not make sense, as it wouldn't be noticeable par ot particularly noticeable – square it off and require plantings
- Mr. Ritchie noted that the addition height would be the same as existing, and the foundation would be on piers
- No one was present in the gallery who wished to speak to the application
- Acting Mayor Casey read the following:

By-law 09-31 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Salapatek)(1265 Dickie Lake Road)(McLean).

**By-law 09-31 was read a first, second and third time and finally passed.**

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

(a) File: **DP 105/08 LOB (Murphy)**  
Applicant: Barbara & Ed Murphy  
Agent: Paul Greenaway  
Civic Address: 1081 Bona Vista Road  
Lot/Con: L 29, C 4, Franklin, on Lake of Bays  
Roll No.: 010-001-01900

- Application has been withdrawn by the applicant.

(b) File: **DP 05/09 LOB (Goldenberg)**  
Applicant: Yetta & Sheldon Goldenberg  
Civic Address: 1036 Maple Drive  
Lot/Con: L 5, C 14, Ridout, on Lake of Bays  
Roll No.: 030-013-09502

- Mr. Michael Goldenberg, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of the application
- No one was present in the gallery who wished to speak to the application
- No questions or comments from Council
- Acting Mayor Casey read the following:

**Resolution 6(a)(ii)(b)/02/24/09**

**Councillor Tapley and Councillor Ross**

**WHEREAS** the applicants have submitted Development Permit Application DP 05/09 LOB (Goldenberg) in order to seek relief from:

- a) Section 5.1.1 (i) (Maximum Lot Coverage), increase from an existing 15.6% to 15.7%;

of Development Permit By-law 04-180, in order to permit the construction of an addition of 28 ft<sup>2</sup> onto the northwesterly side of an existing dwelling, located in Pt. Lot 5, Conc. 14, Ridout Ward, on Lake of Bays (Goldenberg) (1036 Maple Drive) (Ridout) (030-013-09502);

**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: January 13<sup>th</sup>, 2009 and marked: DP 05/09 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; 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) Report Department Activity Report for 2008**

Mr. Szczerbak reviewed the staff report.

Councillor Boivin asked why the statistics in Table "A" drop dramatically in 2006. Mr. Szczerbak advised that 2006 was the year that the Development Permit system was implemented and those applications within the waterfront designation were separated from the rural area for statistical purposes. He advised that Table "A" and "B" had to be added together to get total numbers for the Township.

**7. CLOSED SESSION**

NIL

**8. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**9. CONFIRMING BY-LAW**

By-law 09-32 being a by-law to confirm the proceedings of the meeting of Council held on February 24<sup>th</sup>, 2009.

**By-law 09-32 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/02/24/09**

**Councillor Tapley and Councillor Ross**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 11:09 a.m. to meet again on March 10<sup>th</sup>, 2009, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.**

**Carried**

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Mayor

\_\_\_\_\_  
Deputy Clerk

**DRAFT**