

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: March 24, 2009
RE: **BY-LAW AMENDMENT APPLICATION: Z 07/09 LOB**
Applicant: Mansell Properties Limited
Part Lot 5, Concession 6, Sinclair Ward, on Rebecca Lake
Roll No. 020-006-02100
Civic Address: 1211 Mansell Road

RECOMMENDATION:

That Application **Z 07/09 LOB (Mansell Properties Limited)** to permit the protection of the property in perpetuity through the re-designation to the applicable "Environmental Protection" Development Permit Area be **APPROVED** and that By-law 09-39 be given three readings.

ORIGIN:

An application has been received from Mansell Properties Ltd. to re-designate the subject lands. The property is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180, and is currently vacant. The applicant wishes to ensure that the property will remain vacant and protected in perpetuity and is therefore requesting that the property be designated as "**Waterfront Environmental Protection (WEP)**" to accomplish their request.

Accordingly, the purpose and effect of this by-law amendment will be to re-designate the property from the **Waterfront Residential "(WR)"** Development Permit Area to the **Waterfront Environmental Protection with an Exception "WR-E203"** Development Permit Area. The effect of the exception "**WEP-E203**" Development Permit Area will be to remove the any discretionary uses, buildings and structures from this designation.

BACKGROUND:

Previous Files:	n/a
Natural Constraints:	<ul style="list-style-type: none">• Type 1 fish habitat• Category 2 Lake (Rebecca Lake)
Lake Phosphorus Sensitivity:	<ul style="list-style-type: none">• Moderate Sensitivity to phosphorus.
LOB Official Plan:	<ul style="list-style-type: none">• Waterfront.
District Official Plan:	<ul style="list-style-type: none">• Waterfront.

LOB By-law 04-180:	• Waterfront Residential “(WR)” Development Permit Area.
OSRA Status:	• Open.

Site Characteristics:

Access to the property was not available due to unmaintained private roads. As staff are not familiar with this area, staff did not want to trespass on private lands to view this property.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

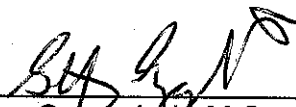
The subject lands are currently designated to permit residential development on these lands. However, the applicant wishes to ensure this property remains natural and protected from any form of development in perpetuity. As a result, the applicant wishes to re-designate this property to the appropriate “Environmental Protection” Development Permit Area. However, upon review of those permitted and discretionary uses in this designation some minor development potential could occur in this designation. Therefore, it is recommended that the property be re-designated to “Waterfront Environmental Protection with an Exception (WEP-E203)” Development Permit Area for the purpose of removing the possibility of any or all development potential on this property.

With respect to those applicable Official Plan policies, Section C.28 states that Open Space includes public and private land for passive parkland or natural open space and environmentally sensitive areas, as well as for active outdoor recreation and may include the protection of a property for recreational or environmentally sensitive or significant natural areas. Section C.30 also encourages Open Space uses in all designations for the protection of sensitive areas or shoreline areas.

Finally, the applicant also wishes to utilize the Conservation Land Tax Incentive Program (CLTIP) upon completion of this application.

Staff have no objection to the proposed amendment and feel that this proposal generally conforms to the intent and principles of the Muskoka and Township Official Plans and is consistent with the Provincial Polity Statement.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-39**

BEING A BY-LAW TO AMEND BY-LAW 04-180 KNOWN AS THE DEVELOPMENT PERMIT BY-LAW (Mansell Properties Limited)

WHEREAS it is deemed expedient to amend By-law 04-180.

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. Schedule "A" to By-law 04-180 as amended, is hereby further amended by re-designating **Part Lot 5, Concession 6, Sinclair Ward**, now in the Township of Lake of Bays, from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Environmental Protection with an Exception (WEP-E203)**" Development Permit Area, as shown on the attached Schedule "A".
2. Section 7 of By-law 04-180 be amended by the addition of the following:
"WEP-E203:
 - a) On lands designated "WEP-E203", as shown on Schedule "A" attached to By-law 09-39, no person shall remove any vegetation and/or use any lot and/or erect, alter or use any building or structure."
3. Schedule "A" hereby forms part of this By-law.
4. All other provisions of By-law 04-180, as amended, shall apply.

READ a FIRST and SECOND time this 24th day of March, 2009.

Mayor

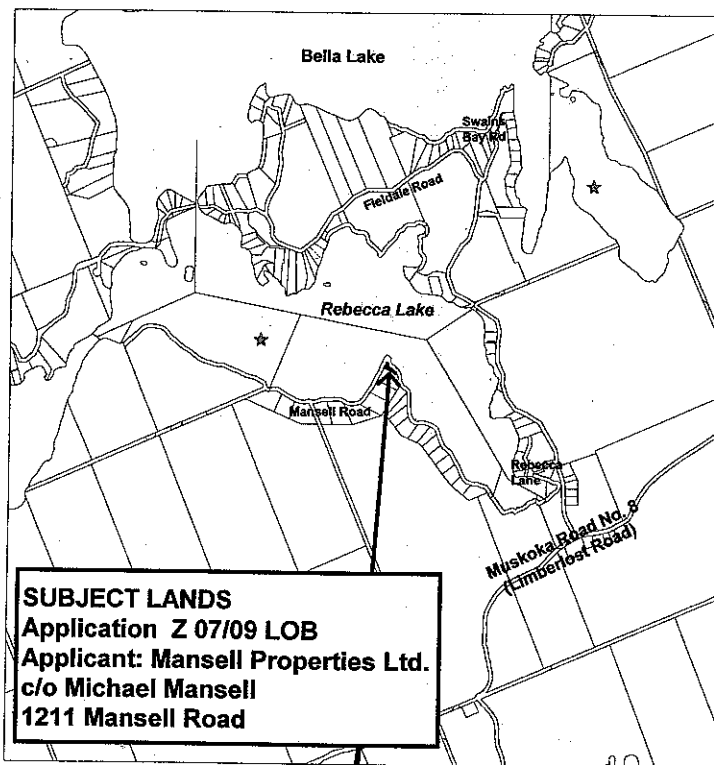
Deputy Clerk

READ a THIRD time and finally passed this 24th day of March, 2009.

Mayor

Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-39



SUBJECT LANDS to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E203)" Development Permit Area

Stefan Szczerbak

From: Wendy and Lon Kimmel [wendy.lon.kimmel@rogers.com]
Sent: March 4, 2009 1:21 PM
To: Stefan Szczerbak
Subject: Application Z 07/09 LOB (Mansell Properties Ltd.)

Hello,

As neighbours immediately adjoining the subject property, we are in support of the proposed by-law amendment to re-designate the lands as Waterfront Environmental Protection and to ensure the property will be maintained & protected in its natural state.

Please note the full civic address of the subject parcel is 1211 Mansell Road #1.

Sincerely,

Wendy and Lon Kimmel
Owners of 1211 Mansell Rd #2, Roll # 4427 020 006 02101

wendy.lon.kimmel@rogers.com
416.622.8922

04/03/2009

Samantha Woods

From: rhogg55580@aol.com
Sent: March 9, 2009 10:44 AM
To: Samantha Woods
Cc: mansell@myrddin.ca; wendy.kimmel@rogers.com; brian.markham@hotmail.com
Subject: Rebecca Lake - Rezoning Application

Dear: Samantha Woods; As President of the Bella Rebecca Community Association, our Executive reviewed and highly supports the request for rezoning by Mansell Properties LTD, as it is fully within the Stewardship Initiative of our lakes. We support and agree with each of the items noted in Wendy Kimmel's email below. Richard Hogg, President, BRCA

-----Original Message-----

From: Wendy Kimmel <wendy.kimmel@rogers.com>
To: Richard Hogg <rhogg55580@aol.com>
Cc: Michael Mansell <mansell@myrddin.ca>
Sent: Mon, 2 Mar 2009 8:33 am
Subject: Rebecca Lake - Rezoning Application

Hello Richard,

As President of BRCA we thought you might like to know that Mansell Properties Ltd. (MPL), who own a point of land on Rebecca Lake, have applied to have this lot rezoned from Waterfront Residential to Waterfront **ENVIRONMENTAL PROTECTION**. The public notice is posted on the land and is attached for your awareness.

We are doing this for a number of reasons:

- There has never been any development of this land, nor none desired in future
- We wish to protect in in perpetuity
- The natural vegetation and wildlife habitats are to be maintained and conserved
- Type 1 fish breeding habitat along the shore
- Significant landform, as part of the Rebecca Lake glacio-fluvial outwash deposit
- MPL and Mansell family members have been advocates for its preservation for over 90 years

We hope that we have your support for this application.

Sincerely,

Wendy (Mansell) Kimmel
On Behalf of Mansell Properties Ltd.

P.S. I was unable to access www.brca.on.ca <<http://www.brca.on.ca/>> today. Are there problems with the website?

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<<http://toolbar.aol.com/aolradio/download.html?ncid=emlweusdown00000035>> !

----- End of Forwarded Message

09/03/2009

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