



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**  
**April 28<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 April 28<sup>th</sup>, 2009 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance:**

**Mayor:** Janet Peake

**Councillors:** Margaret Casey (District – Ridout/McLean)  
Nancy Tapley (Franklin)  
Ruth Ross (Ridout)  
Virginia (Ginny) Burgess (Sinclair/Finlayson)

**Absent:** Ben Boivin (District – Franklin/Sinclair/Finlayson)  
Philip Cote (McLean)

**Planner:** Stefan Szczerbak

**C.A.O./Treasurer:** Don Chevalier (portion of meeting)

**Director of Public Works:** Tom Brown (portion of meeting)

**Deputy Clerk:** Kelly Stronks

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 9:14 a.m., on April 28<sup>th</sup>, 2009, by Mayor Peake.

**2. APPROVAL OF AGENDA**

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

**Resolution 2(a)/04/28/09**

**Councillor Ruth Ross and Councillor Casey**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated April 28<sup>th</sup>, 2009, be adopted.**

**Carried**

**3. DISCLOSURE OF PECUNIARY INTEREST**

Councillor Ross declared a pecuniary interest on Items 6(a)(i)(d) and 6(a)(i)(e) (By-law amendment for 1019 Bellwood Acres Road)

**4. DEPUTATIONS / DELEGATIONS**

Nil

**5. MINUTES**

(a) **To Be Adopted**

- (i) Council Meeting for Planning Matters Only Minutes – March 24<sup>th</sup>, 2009

**Resolution 5(a)(i)/04/28/09**

**Councillor Tapley and Councillor Burgess**

**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 March 24<sup>th</sup>, 2009 as circulated.**

**Carried**

(b) **To Be Received**

- (i) Committee of Adjustment Meeting Minutes – March 24<sup>th</sup>, 2009

**Resolution 5(b)(i)/04/28/09**

**Councillor Casey and Councillor Ross**

**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 March 24<sup>th</sup>, 2009, as circulated.**

**Carried**

**6. REPORTS AND BY-LAWS**

(a) **Planning**

(i) **By-laws**

- (a) 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 Hwy 35**  
Lot/Con/Ward: **L 7, C 6, Franklin, on Lake of Bays**  
Roll No.: **010-019-00700**

- Mr. Howard Elliott, applicant, and Mrs. Nancy LeBlanc, agent, were present to represent the application
- Mr. Szczerbak presented the staff report, and advised that staff had no concerns with the approval of the portion of the application that dealt with lot coverage and road frontage. However, respecting the dock and boat port structure, he advised that although the width of the shoreline activity area met the by-law requirements, navigation concerns had not yet been addressed by the authority having jurisdiction as required in the applicable Official Plan policy direction. A decision on this application should be deferred until these comments had been received
- Councillor Tapley asked for clarification of the sketch, as it appeared that the boat port was only extending 66 ft from the shoreline. Mr.

- Szczerbak confirmed this, but that the by-law specified that only docks could be 66 ft, but that boathouses and boat ports could only be 50 ft
- Mrs. LeBlanc advised that her clients are very upset about this further delay, referred to her letter of March 20, 2009
  - Mrs. LeBlanc stated that she has spoken with Kelly Thompson of Transport Canada, and in principle there should be no problem with the proposal. However, navigability has just been transferred to Transport Canada and there are no applications available and therefore she hasn't been able to apply for the Elliott proposal
  - Mr. Elliott commented that he was not certain that his neighbour's dock met the requirement of 66 ft, expressed frustration of the years they have been attempting to do this and the money expended, and asked that Council pass the by-law that day
  - Councillor Tapley noted the configuration of the shoreline resulted in the dock being tucked back into a little nook in the bay, and that it would be difficult for a boat to come around the point and encounter the boat port as the projection of the point would likely prevent this. Despite this, she stated her preference of boat ports and boathouses not being 66 ft out from shoreline
  - Mayor Peake gave staff direction to review and perhaps clarify this section of the by-law
  - Councillor Burgess stated that she would be in support of approving the by-law without comments, as the possibility of Transport Canada not approving the proposal was small
  - Councillor Casey disagreed with approving the by-law prior to receiving the required comments, and that there was not a problem with the interpretation of the by-law given Council's position with similar proposals. She noted that the boat port was intrusive and large, noting the cupola on top. Mr. Elliott advised that this could be removed
  - Mr. Szczerbak referred to Section D.17 of the Official Plan, and advised that Council was familiar with this type of application and in those cases comments regarding navigability have been required. He stated his understanding of Mr. Elliott's frustration, but that the 10 years referred to the Elliott's involvement with the Provincial government and the acquisition of additional land to enable a severance of the property
  - Mayor Peake asked if applications were available yet from Transport Canada. Mr. Szczerbak advised that staff had only recently become aware of changes in the jurisdiction of navigability, and that applications were not ready yet. Mayor Peake directed him to contact Transport Canada to advise of this barrier to applicants
  - Councillor Tapley noted that the adjacent property referred to by Mr. Elliott was a commercial property (previously Birkendale Resort, now Waldemaar Estates) and different rules were in place for commercial development
  - Mr. Elliott stated that there were concerns with the lack of water depth, and that they may be able to build closer to shore but they won't know until it was looked at more closely. Mayor Peake cautioned that if the by-law was passed that day without having Transport Canada comments, there was a risk that when comments are submitted that there are risks involved and that the Elliott's may have to start the process from scratch. Mr. Elliott acknowledged this and was prepared to take this risk
  - No one was present in the gallery who wished to speak to the application
  - Mayor Peake read the following:

By-law 09-29 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Elliott)(25141 Hwy 35)(Franklin).

**By-law 09-29 was read a first, second and third time and finally passed.**

(b) By-law: 09-50  
Files: Z 10/09 LOB (Ticometer Investments Ltd. – Camp Arrowhead)  
Type: Amendment to By-law 04-180  
Applicants: Ticometer Investments Ltd. % Patrick Birnie  
Agent: Debbie Lis of Duncan Ross Architect  
Civic Address: 1111 Ronville Road  
Lot/Con/Ward: L 10, C 5, Franklin, on Lake of Bays  
Roll No.: 010-018-03200

- Mr. Pat Birnie, applicant, Ms. Debbie Lis, agent, were present to represent the application
- Mr. Szczerbak presented the staff report, explained the proposal, and recommended deferral due to septic information and flood plain information being required. He recommended that these be municipally driven in order to avoid the need for a peer review. He read the email of objection from Mr. Bob List on behalf of Lya Johanson, which stated that the public notice had not had enough information. Mr. Szczerbak advised that notices are kept general since numbers are not always available at the time of preparation and frequently change. He also noted the letter from Mr. Douglas Bell
- Councillor Casey referred to Item 9 which referred to a general expansion of 2000 ft<sup>2</sup>, and asked if this was built space or a tennis court, etc. Mr. Szczerbak advised that it was a general request but not on the site plan, and thought that the applicant was anticipating revisions during construction but that the applicants could confirm this
- Ms. Lis advised that they had thought about adding this 2000 ft<sup>2</sup> as extra space for staff. Mr. Birnie then advised that the current design of the various buildings is chopped up, with odd angles from additions over the years, and they wanted the flexibility to have extra space to address these in the event that they wished to square things up
- Mr. Lis addressed the flood plain hazard, noting that the new residence and a staff cabin, although partially situated in the flood plain, they do connect to an area outside of the floodplain therefore allowing safe ingress and egress should there be a flood. She stated that her client wanted to know about the cost of a floodplain report to determine if it would be cost prohibitive and therefore not worth pursuing those buildings in that location
- Mr. Birnie advised that the principal architect, Duncan Ross, was fairly certain that something could be designed to address the flood plain issue. He noted that he has arranged for a number of studies, one of which found that the stream was a cold water stream which he has notified various agencies/groups about
- Councillor Tapley referred to Mr. Bell's letter and the reference to staff accommodation, and asked if it was being increased. Mr. Birnie stated that they were not looking to expand the camp capacity at this time, although they do have a study that states they have additional capacity available. He stated that he did not agree with numbers that Mr. Bell provided. He advised that there are 115 campers and 35 staff, and that Leaders in Training (LIT's) are in addition to this
- Councillor Tapley asked about the floodplain study. Mr. Szczerbak stated that if structures were being placed in hazard areas, a floodplain engineer should provide a professional review from the perspective of the Provincial Policy Statement, the District Official Plan, and the

Township Official Plan. He noted that he believes that the creek has flooded in the past from upstream issues and not from the flood elevation of the lake

- No one was present in the gallery
- Mayor Peake read the following:

**Councillor Casey and Councillor Ross**

That Application Z 10/09 LOB (Ticometer Investments Ltd. – Camp Arrowhead) to permit the construction of a new residence, a staff cabin, additions to several existing buildings as well as the relocation of two existing structures, be DEFERRED to the June 23<sup>rd</sup>, 2009 meeting to provide the applicant with additional time to submit a Floodplain report in accordance with Sections E.20 and E.22 of the Township Official Plan.

**Carried**

(c) By-law: 09-51  
Files: Z 11/09 LOB (Drebin)  
Type: Amendment to By-law 04-180  
Applicant: Sheldon Drebin  
Agent: Marie Poirier Planning & Associates  
Civic Address: 1084 Colonization Road  
Lot/Con/Ward: L 7, C 8, Sinclair, on Bella Lake  
Roll No.: 020-008-06000

- No one was present to represent the application. Mr. Szczerbak advised that he had spoken with Ms. Poirier that morning and she had expressed her regret for not being at the meeting but she was ill
- No one was present in the gallery
- Mr. Szczerbak presented the staff report and recommended that the application be denied, but that if Council wished to give further consideration to the application it should be deferred at this time in order that the proposal be revised such that the sleeping cabin be relocated to an area outside of the shoreline yard, as well as to submit a septic evaluation report to ensure the system could accommodate the cabin
- Councillor Burgess, who is a neighbour of the applicant, clarified that there had been a structure in this location previously
- Mayor Peake read the following resolution:

**Councillor Casey and Councillor Ross**

That Application Z 11/09 LOB (Drebin) be deferred to the May 26<sup>th</sup>, 2009 meeting of Council in order to permit additional time for the applicant to revise the proposal such that the sleeping cabin be relocated to an area outside of the required shoreline yard setback in accordance with Section D.12 of the Township Official Plan. In addition, a septic evaluation report in accordance with Section C.48 of the Township Official Plan is required to ensure that the existing septic system can adequately accommodate the sleeping cabin.

**Carried**

*Councillor Ross declared a pecuniary interest for the following item and retired to the gallery.*

(d) By-law: 09-52  
Files: Z 12 & 13/09 LOB (Ross)

Type: Amendment to By-laws 04-180 & 04-181  
Applicants: Ruth & Charles Ross  
Civic Address: 1019 Bellwood Acres Road  
Lot/Con/Ward: L 5, C 11, Ridout  
Roll No.: 030-009-03800

- Ms. Ruth Ross, applicant, was present to represent the application
- No one was present in the gallery
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of the application
- There were no questions or comments from Council
- Mayor Peake read the following:

By-law 09-52 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Ross)(1019 Bellwood Acres Road)(Ridout).

**By-law 09-52 was read a first, second and third time and finally passed.**

By-law 09-53 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Ross)(1019 Bellwood Acres Road)(Ridout).

**By-law 09-53 was read a first, second and third time and finally passed.**

***Councillor Ross returned to the Council table at the conclusion of this item.***

(e) By-law: **09-54**  
File: **C 01/09 LOB (Pinckard)**  
Type: **Consent [Section 51(26)] Agreement**  
Applicant: **Dan Pinckard**  
Agent: **J. Ross Bagshaw, Barrister & Solicitor**  
Civic Address: **1069 Lake of Bays Lane**  
Lot/Con/Ward: **L 11, C 9, Franklin**  
Roll No.: **010-011-03000**

- No one was present to represent the application
- No one was present in the gallery
- Mr. Szczerbak reviewed the staff report and advised that staff had no concerns with the approval of the application. He noted that the applicant had asked that the wording of the agreement that referred to the turnaround area be changed to apply to a specific area instead of "appropriately sized", as the applicant found this too vague
- There were no questions or comments from Council
- Mayor Peake read the following:

By-law 09-54 being a by-law to authorize the Mayor and Clerk to sign documents with respect to a Section 51(26) Agreement between Daniel Stevenson Pinckard and the Corporation of the Township of Lake of Bays (Pinckard)(1069 Lake of Bays Lane)(Franklin).

**By-law 09-54 was read a first, second and third time and finally passed.**

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

(a) File: **DP 67/08 LOB (The Birkenhead Trust)**  
Applicant: **The Birkenhead Trust % Roger Abbott**  
Agent: **Derek Meyers**  
Civic Address: **1090 Grandview Lake Road**

Lot/Con: L 1, C 11, McLean, on Grandview Lake  
Roll No.: 040-015-03100

- No one was present to represent the application
- No one was in the gallery who wished to speak to the application
- Mr. Szczerbak advised that the applicant had requested additional time in which to submit the required information
- There were no questions or comments from Council
- Mayor Peake read the following:

**Resolution 6(a)(ii)(a)/04/28/09**

**Councillor Ross and Councillor Casey**

**WHEREAS** the applicant has submitted Development Permit Application DP 67/08 LOB (The Birkenhead Trust c/o Roger Abbott) in order to permit the construction of an addition and screened porch onto an existing legal non conforming dwelling;

**NOW THEREFORE** the Council of the Township of Lake of Bays hereby DEFERS the application to the meeting of June 23<sup>rd</sup>, 2009 in order to provide the applicant with additional time to reconfigure the proposed additions in accordance with the Ontario Building Code and the general intent of the Official Plan and Development Permit By-law 04-180 provisions.

**Carried.**

(b) File: DP 01/09 LOB (2144096 Ontario Inc. – Trader's Crossing)  
Applicant: 2144096 Ontario Ltd.  
Agent: Marie Poirier Planning & Associates  
Civic Address: 1462 Old Hwy 117  
Lot/Con/Ward: L 14 & 15, C 14, Ridout, on Lake of Bays  
Roll No.: 030-011-05500

- *Verbal Report*
- No one was present to represent the application
- No one was in the gallery who wished to speak to the application
- Mr. Szczerbak advised that the site plan was being revised which would result in the need for re-circulation and therefore the agent had requested that the application be deferred
- There were no questions or comments from Council

**(iii) Other**

**a) Resolution Public Lands Act and Crown Roads**

- Mr. Szczerbak explained that a resolution was required to be passed as follow-up to the report on this matter from the meeting of March 24, 2009
- Mayor Peake read the resolution, Mr. Szczerbak provided more background as to why this resolution was required, and further discussion ensued to clarify the matter. Mr. Szczerbak advised that the resolution was an added tool should the Township be faced with any new development proposals located in remote locations that request the usage of Crown Roads for access. Further, additional studies related to potential costs borne on a municipality must be directed by the Township to ensure the Township is protected. It was agreed that if a resolution of this nature had been in place in the past, it might have supported Council's decision for similar applications.

- Council asked that in the future they be given copies of resolutions such as this to review beforehand
- Acting Mayor Casey read the following:

**Resolution 6(a)(iii)(a)/04/28/09**

**Councillor Ross and Councillor Casey**

**BE IT RESOLVED THAT Council of the Corporation of the Lake of Bays, at their discretion, hereby directs staff that in addition to the required supplementary information, to request the submission of a financial impact report for the purposes of ensuring the cost effective delivery of municipal services for all new commercial development proposals located within remote areas and accessed via Crown Roads as defined by the Public Lands Act.**

Carried.

**b) Report Strategic Plan – Selection of Consultant**

- Mr. Chevalier summarized his report. Mayor Peake asked if it had been forwarded to FedNor yet, and was advised it had not. Councillor Tapley stated that it had been her understanding that this matter was to have come back to Council before interviews would be conducted
- Mayor Peake read the following resolution:

**Resolution 6(a)(iii)(b)/04/28/09**

**Councillor Ross and Councillor Burgess**

**BE IT RESOLVED that the Council of the Corporation of the Township of Lake of Bays hereby accepts the proposal for strategic planning services submitted from ICA Associates of Toronto in the amount of \$53,000.**

Carried

**c) Report Infrastructure Stimulus Funding**

- Mr. Brown advised that he had just found out that day that the proposed funding model would have to be changed, and that as a result the paving of the public works yard at Dwight may not happen. Mr. Chevalier explained that because of the 2009 scheduling of Millar Hill Road, this project funding could not be leveraged toward the proposed sand dome. However, because of the salt management plan, the salt dome is a priority
- Councillor Casey advised that she had been in a meeting with Mr. Jim Green, District of Muskoka C.A.O., who had been at a meeting with other C.A.O.s, etc, and that the Assistant Deputy Minister had made it clear that the stimulus package did not to apply to items in the budget for 2009 and 2010, but rather was intended to reach farther into the future. Other C.A.O.'s were puzzled by this as very few projects were shovel ready. She noted that the salt dome was a good proposal and this was mainly due to the fact that reserve funds had been put away for it. She expressed disappointment that Millar Hill Road could not be included because it was in this year's budget
- Mr. Chevalier stated that the salt dome would be paid for out of reserve funds, but that no other projects could be considered
- Mayor Peake asked if the parks reserve be used to pay for Dwight Community Centre construction. Mr. Chevalier advised that this may be possible but that it would be quite a draw down, and would want to do an analysis of the Parks Reserve Fund

- Councillor Casey asked if staff could confirm with Mr. Green that she had interpreted this correctly. Mr. Chevalier advised that he had had staff check the website, which stated that a project could not be scheduled over the next two years (2009 & 2010)
- Mayor Peake wondered if it was worth looking at other projects that were further on the horizon. Councillor Casey addressed the gallery, specifically Mr. Fraser Govan who represented the Lake of Bays Association, and Mr. Paul Hutchison who represented the Peninsula Lake Association, and asked that they take this information back to their respective organizations and emphasize the need for reserves for projects such as this
- Mr. Chevalier advised that surveyors had been around the works yard and the office as part of the proposed salt dome and drainage

**Resolution 6(a)(iii)(c)/04/28/09**

**Councillor Casey and Councillor Ross**

**BE IT RESOLVED that the Council of the Corporation of the Township of Lake of Bays approve the following project to be submitted for funding under the Infrastructure Stimulus Fund:**

- **Winter sand storage building at “Public Works Garage One, Dwight”**

**Carried**

**d) Report Building Canada Fund Intake Two**

- Mayor Peake stated that it was unfortunate that reserve funds were not available to allow them to proceed with this proposal, and proceeded to read the following:

**Resolution 6(a)(iii)(d)/04/28/09**

**Councillor Tapley and Councillor Burgess**

**BE IT RESOLVED that the Council of the Corporation of the Township of Lake of Bays approve the following project to be submitted for funding under the Building Canada Fund Intake Two:**

- **Dwight Community Centre storage area with energy use**

**Defeated**

**7. CLOSED SESSION**

**NIL**

**8. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**9. CONFIRMING BY-LAW**

By-law 09-55, being a by-law to confirm the proceedings of the meeting of Council held on April 28<sup>th</sup>, 2009.

**By-law 09-55 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/04/28/09**

**Councillor Tapley and Councillor Ross**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 11:28 a.m. to meet again on May 12<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