

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
COMMITTEE OF ADJUSTMENT REPORT**



**TO: Members of the Committee of Adjustment**  
**FROM: Stefan Szczerbak, Planner**  
**DATE: November 24<sup>th</sup>, 2009**  
**RE: Consent**  
**Application: B 22/09 LOB (Alcott)**  
**Applicant: Steven Alcott**  
**Agent: Michelle Holt-Alcott**  
**Part Lot 10, Conc. 8, McLean Ward**  
**Roll No. 040-006-00400**  
**1183 Echo Lake Road**

**RECOMMENDATION:**

That application **B 22/09 LOB (Alcott)** be **APPROVED** subject to the following conditions:

- (1) That two copies of the reference plan of survey be provided, bearing the Land Registry Office registration numbers and signatures as evidence of deposit therein, and generally illustrating the same area and dimensions of the parcel(s), together with any applicable rights-of-way, to which this consent approval has been granted.
- (2) That the original "Transfer / Deed of Land" form, a duplicate original, and one photocopy be provided to the Township for endorsement by the Secretary-Treasurer should all consent conditions be fulfilled within the one year time frame. In addition, said "Transfer / Deed of Land" form must include a Schedule, that includes the entire legal description of the parcel(s).
- (3) The severed lands brought into conformity with the applicable Township By-law by rezoning it to the applicable "Rural One (Ru1)" Zone.
- (4) That an copy of an approved Entrance Permit from the District of Muskoka onto Muskoka Road 51 (Echo Lake Road) be provided to the Secretary-Treasurer.
- (5) The Applicant enter into an Agreement with the District Municipality of Muskoka under Section 51(26) of the Planning Act and this Agreement be registered on title. The Agreement shall deal with the location of any proposed well on the severed or retained lands in relation to the Muskoka Road and the Road Widening;
- (6) That the Applicant enter into an Agreement with the Township of Lake of Bays pursuant to Section 51(26) of the Planning Act and this Agreement be registered on the title of the severed lands. The Agreement shall state that a Site Plan Agreement is required prior to any development, site alteration, vegetation removal, or the issuance of a building permit. The Site Plan Agreement shall address the retention of natural vegetation along the road frontage of Harp Lake Road, in accordance with Section I.18 of the Township Official Plan.
- (7) That final approval be subject to confirmation by the Township of Lake of Bays that the severed and retained lands are satisfactory for on-site sewage disposal.
- (8) Cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays as per By-law 00-04.

- (9) That all outstanding balances be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

**BACKGROUND:**

*Purpose:*

The purpose of this application is to sever a parcel of land in order to create one new residential building lot as follows:

	Lot Area		Frontage on District Road 51	
<b>Severed Lot</b>	6.07 ha	15 ac	152.4 m	500 ft
<b>Retained Lot</b>	34.4 ha	85 ac	243.8 m	800 ft
<b>Total Property</b>	40.47 ha	100 ac	396.2 m	1300 ft

The proposed severed lands are vacant and will be accessed from the year round municipally owned District Road No. 51, locally known as Echo Lake Road. The retained lands are developed with a single family dwelling, a garage, and a shed. The entire land holdings except for the developed portions of the property are comprised of natural vegetation. The surrounding lands contain low density "Rural (Ru)" and Rural Residential (RR) uses.

*Resource and Other Information:*

<b>Previous/Current Files:</b>	<ul style="list-style-type: none"> <li>• Concurrent Zoning Application No. Z35/09 LOB.</li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• Slopes ranging from 30% to 40% located in the middle of the existing land holdings.</li> </ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"> <li>• Rural.</li> </ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"> <li>• Rural.</li> </ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"> <li>• "Rural (Ru)" Zone</li> </ul>
<b>Built Heritage Information:</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>

**ANALYSIS:**

*Planning Comments:*

When considering the creation of a new rural lot, Sections I.20 and I.28 of the Township's Official Plan require a minimum of 4 hectares (10 acres) in lot area with Road Frontage on a municipally owned and year round maintained Road. As Echo Lake Road is a Class B Muskoka Road (Schedule "H" of the Muskoka Official Plan), Section G.41 of the Muskoka Official Plan generally requires new lots to have a minimum lot frontage on the road of 135 metres. In this regard, the Muskoka Engineering and Public Works Department advise that the applicant will be required to enter into a 3 metre "Road Widening" agreement with The District Municipality of Muskoka to provide for a future road widening along the entire frontage of the severed and retained lands. The applicant should be advised that the

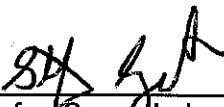
District will issue payment for the portion of the property and survey costs pertaining to the widening only. The District will prepare the necessary deed and perform the associated legal work without charge. Muskoka Engineering and Public Works also note that any well proposed is required to be located:

1. 26 metres (approx. 85 feet) from the centreline of the District Road Allowance; or
2. 7.6 metres (approx. 25 feet) from the property line; whichever is the greater distance from the centreline of the District Road Allowance; and
3. 7.6 metres (approx. 25 feet) from any drainage course to or from the District Roads.

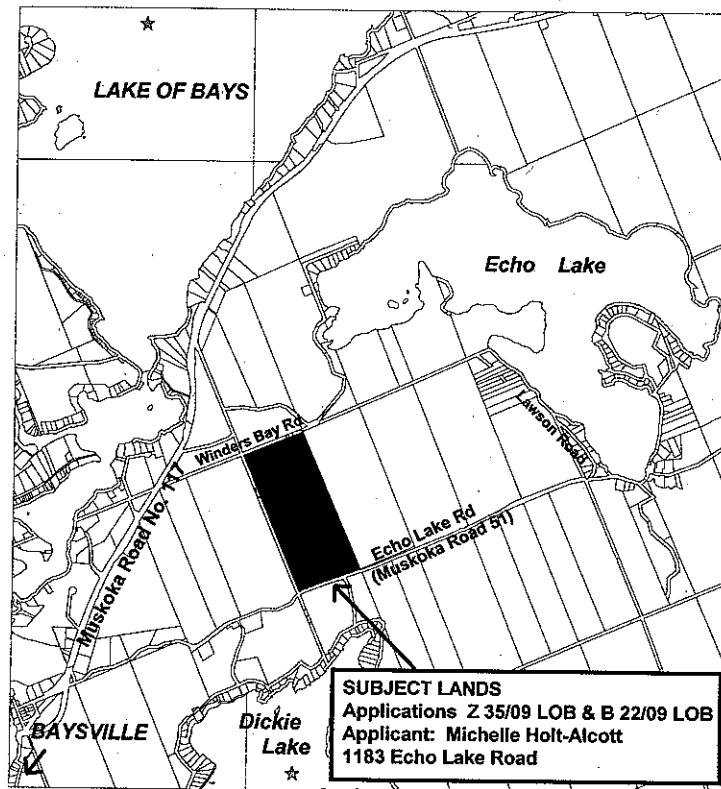
To ensure that the rural character in this area is maintained, several design principles should be considered for new development in the Rural Designation. Generally, Section I.18 of the Township Official Plan requires appropriate location of new building envelopes, the maximum amount of vegetation should be retained and that a vegetative buffer be maintained between any proposed buildings and the road corridor. In accordance with Section I.19 of the Official Plan, it is recommended that these design principles be addressed through site plan control. Condition No. 5 requires the registration of a consent agreement on the severed lands. This agreement will require the submission of a site plan agreement prior to the removal of vegetation and the issuance of a building permit.

As this application is consistent with the Provincial Policy Statement and generally conforms to both the District and Township Official Plans, staff have no concerns with the approval of this application, subject to the conditions outlined in this report.

Respectfully submitted by:

  
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Stefan Szczerbak, M.Sc., RPP, MCIP  
Planner

**KEY MAP**  
**Consent Application B 22/09 LOB and**  
**By-law Amendment Application Z 35/09 LOB**  
**Applicant: Steven Alcott**  
**Lot 10, Concession 8, McLean Ward, 1183 Echo Lake Road**



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