





- She presented the staff report and advised that although Mr. Crncich had submitted a surveyor's sketch, the other two matters were still outstanding. She referred Committee to the supplementary information package, which contained an email from Mr. Crncich asking that the application be withdrawn due to a problem with the title of the property, and which he wishes to rectify before determining if he wishes to sever the property. Given this, staff recommended that a resolution be passed to close the file

**Committee Deliberations:**

- Councillor Ross asked if the outstanding building matters respecting this property would still be addressed. Mrs. Stronks advised that she had spoken with Mr. Steve Watson, Chief Building Official, and that he would be pursuing these matters under the Ontario Building Code
- Councillor Boivin asked if the file would actually be closed. Mrs. Stronks advised that it was her interpretation that Mr. Crncich had requested a withdrawal, and therefore it would be necessary for a new application to be submitted should Mr. Crncich decide to sever the property
- There was no one present in the gallery who wished to speak to the application
- Chairperson Peake read aloud the following resolution:

**MOTION**

**MOVED BY: Ben Boivin**  
**SECONDED BY: Virginia (Ginny) Burgess**

**THAT application B 12/09 LOB be CLOSED as the result of a request for withdrawal from the applicant's agent.**

**CARRIED.**

- ii) **B 17/09 LOB, Applicant: Butt Family Holdings Inc.**  
Part Lot 3, Con. 7, Sinclair Ward, 1171 Fieldale Road, on Rebecca Lake  
Roll No: 020-008-00100  
Agent: Kevin Kujala of E.J. Williams Surveying Limited  
- **Concurrent with by-law amendment application Z 30/09 LOB**

**Present: No one was present to represent the application.**

**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.

This application proposed to sever a parcel of land and merge it with the benefiting property to the east owned by William Butt, being Part 2 on Plan 35R-5781 and Part 2 on Plan 35R-9786, Roll No. 020-008-00101. No new lot is being created, the application simply proposes that the existing lot line be altered in order to provide additional land to the benefiting easterly property. The proposed lot addition would result in the following lot configurations:

	Lot Area		Frontage on Rebecca Lake	
Severed Lot	0.30 ha	0.75 ac	60.3 m	279 ft
Retained Lot	0.40 ha	1 ac	85 m	198 ft
Total Property	0.70 ha	1.75 ac	145.3 m	477 ft
Resulting Benefiting Lot	0.84 ha	2.07 ac	122 m	400 ft

The benefiting parcel is vacant, while the proposed severed lands are developed with a garage and a two storey boathouse. The retained lands are vacant. Both parcels are accessed via a right-of-way off of Fieldale Road.

**Planning Department Submission – Kelly Stronks, Secretary-Treasurer**

- She presented the staff report and advised that since the time that the staff report had been drafted, staff had conducted a site visit and found that the two storey boathouse contained living quarters on both levels and had no boat or marine related storage, and that a toilet also appeared to be contained in the upper level. She advised that as information had not been provided as to the location of a septic system to service the boathouse, staff recommended a deferral to allow time for this information to be provided in order to ensure that the proposed severance line did not separate a septic system from the structure it services. She advised that staff had discussed this with Mr. Kujala, the applicant's agent, and agreed that the matter should be deferred to the meeting of December 15, 2009

**Committee Deliberations:**

- Councillor Boivin clarified that it was not known where the effluent from the toilet was going. Mrs. Stronks confirmed this
- There was no one present in the gallery who wished to speak to the application
- Chairperson Peake read aloud the following resolution:

**MOTION**

**MOVED BY: Margaret Casey**  
**SECONDED BY: Ruth Ross**

**That Application B 17/09 LOB (Butt Family Holdings Inc.) be DEFERRED to the December 15<sup>th</sup>, 2009 meeting of the Committee in order to permit additional time for the following information to be submitted:**

- 1) Provide a surveyor's sketch that shows the location of the septic system that services the boathouse on the proposed severed lands; and**
- 2) Provide use permits or approvals for the septic system, as well as the size and flow that the system is designed for.**

**CARRIED.**

- iii) B 18/09 LOB, Applicant: Michael Thorley**  
Part Lot 25, Con. 2, Sinclair Ward, 179 Grassmere Lane, on Peninsula Lake,  
Roll Nos: 020-002-01700, 02000 & 09000  
Agent: Lanny Dennis of Wayne Simpson & Associates

**Present:** Mr. Lanny Dennis, agent, was present to represent the application.

The following person was in attendance regarding the requested consent:

- Mr. Paul Hutchison, 3-2262 Hwy 60, Huntsville, ON, P1H 2J6

There were no written objections received from circulated agencies or circulated surrounding property owners.

This application involved the merging of five (5) separately conveyable lots of record to create one new large vacant lot and one retained parcel of land, together with applicable rights-of-ways to these lands. The current holding is developed with a single family dwelling with attached deck, and a boathouse/ dock complex. All of these structures are located on the proposed retained lands. The owners wish to sever the subject lands and create a new residential building lot as follows:

	Water frontage on Peninsula Lake		Lot Area	
	m	ft	ha	ac
<b>Severed Lot</b>	120 m	395 ft	1.5 ha	3.9 ac
<b>Retained Lot</b>	110 m	361 ft	1.4 ha	3.5 ac
<b>Total Property</b>	230 m	756 ft	2.9 ha	7.4 ac

The proposed severed lot would be accessed via a new driveway on an existing right-of-way and which would originate off of Grassmere Resort Road, a municipal year round maintained road situated within the boundaries of the Town of Huntsville in this location.

**Planning Department Submission – Kelly Stronks, Secretary-Treasurer**

- She presented the staff report and advised that she wished to correct the statement concerning the requirement of 200 ft of water frontage, as Section H.86, as added to the Official Plan by way of OPA #6, specified that new shoreline lots will have a frontage in accordance with Section H.49a), which specifies a water frontage of 400 ft. She advised that although the frontage of the proposed retained lands, at 361 ft, and the severed lands, at 394 ft, did not meet this criteria, that it was an improvement to the frontages that currently exist there, which consist of five lots with 100 ft of frontage each, and one with 240 ft
- She also noted that respecting the proposed right-of-way over the portion of property contained within the jurisdiction of the Town of Huntsville, that application B/51/2009/HTE had been provisionally approved by the Town of Huntsville Committee of Adjustment on October 20, 2009
- Respecting the condition concerning cash-in-lieu of parkland, Mrs. Stronks advised that staff had had discussions with Mr. Dennis regarding this, and that as the application involved a technical process of merging and dividing lots to create fewer lots at the end of the day, staff recommended that this condition be removed from the recommended conditions
- She advised that staff recommended approval of the application, subject to the changes previously noted

**Committee Deliberations:**

- There were no questions or comments from Committee
- There was no one present in the gallery who wished to speak to the application
- Chairperson Peake read aloud the following resolution:

**MOTION**

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

That application B 18/09 LOB (Thorley) be APPROVED subject to the following conditions:

- (1) 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) to which this consent approval has been granted.
- (2) 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
- (3) That the original Transfer / Deed of Land form, a duplicate original, and one photocopy for our records be provided, 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) and right-of-way(s) in question.
- (4) That a deeming by-law be applied for and registered at the appropriate Land Registry Office in order to declare Lots 1, 2, 3, 4 & 5 on Plan No. 1 Sinclair to not be lots on a plan of subdivision, and that these lands be merged with the lands under Instruments 50859 and 322925. A statement by the acting solicitor that the merging has occurred shall be provided to the Secretary Treasurer.
- (5) That a Transfer / Deed of Land for a right-of-way in favour of the subject lands, and being over lands located in Part Lot 35, Concession 1, Chaffey Ward, under Instrument 322925, be provided to the Secretary Treasurer.
- (6) That an Unassumed Road Improvement Agreement be obtained from the Township of Lake of Bays in order to permit the proposed driveway to traverse the unopened original road allowance between Lot 25, Concession 2, Sinclair Ward, and Lot 35, Concession 1, Chaffey Ward, and that a copy be provided to the Secretary Treasurer.
- (7) That a Certificate of Permission be obtained from the Town of Huntsville in order to permit the proposed driveway to traverse the unopened original road allowance between Lot 25, Concession 2, Sinclair Township, and Lot 35, Concession 1, Chaffey Township, and that a copy be provided to the Secretary Treasurer.
- (8) That a fish habitat impact assessment be performed and submitted by a qualified professional, by way of a municipally driven study, that identifies the most appropriate location for a shoreline activity area fronting the severed lands.
- (9) That a site evaluation report and stormwater review be performed and submitted by a qualified individual, by way of a municipally driven study. Said report is to be prepared in accordance with Section E.6 of the Official Plan to ascertain an

appropriate building and septic envelope on the proposed severed lot, and identify necessary mitigation measures.

- (10) That the severed lands be re-designated within Development Permit By-law No. 04-180 to recognize the resulting frontage and area of the severed and retained lands. In addition, the re-designation of the severed lot is to be re-designated to include the following: a) a shoreline activity area and appropriate development setbacks to reflect recommendations, if any, of the fish habitat assessment report; b) that the removal of shoreline vegetation not be permitted except for the formalization of identified access pathways to the shoreline; and c) the building and septic envelope as identified in the site evaluation report.
- (11) 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 Development Permit is required prior to development, site alteration, vegetation removal, or issuance of a building permit on the subject lands, and that the lands be developed in accordance with the recommendations of the fish habitat assessment report and the site evaluation and stormwater reports.
- (12) 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.

**REASONS:**

1. The Committee is satisfied that the consent application generally conforms to the intent of the Township Official Plan, and will serve to perform a technical severance to merge six separately conveyable parcels and recreate a lot line such that two parcels exist.

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.**

**9. DEFERRED MATTERS**

**Minor Variances:**

NIL

**Consents:**

- i) **B 11/09 LOB, Applicant: Philip & Mabel Copp**  
Part Lots 8 & 9, Con. 8, Franklin Ward, 25613 Hwy 35, on the Oxtongue River  
Roll No: 010-011-08200  
Agent: Ted Williams of E.J. Williams Surveying Ltd.

**- Deferred to the meeting of November 24<sup>th</sup>, 2009 from the meetings of August 25<sup>th</sup> & September 22<sup>nd</sup>, 2009**

**10. CLOSED SESSION**

NIL

**11. BUSINESS ARISING FROM CLOSED SESSION**

NIL

**12. OTHER MATTERS**

NIL

**13. ADJOURNMENT**

The meeting was adjourned at 9:27 a.m.

**MOTION**

**MOVED BY: Ben Boivin**  
**SECONDED BY: Virginia (Ginny) Burgess**

The Committee of Adjustment hereby adjourns the meeting of October 27<sup>th</sup>, 2009.

**CARRIED.**

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CHAIRPERSON

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SECRETARY-TREASURER