

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
COUNCIL HEARING PLANNING MATTERS REPORT



TO: Mayor & Members of Council
FROM: Terri-Lyn Magee, Planning Technician
DATE: October 27th, 2009
RE: Deeming By-law
Application: **F 03/09 LOB (Biggs)**
Applicant: **Richard Biggs on behalf of Simcoe Siteworks Inc.**
Pt. Lot 23, Con. 12, Franklin Ward, on Peninsula Lake
Roll Nos. 010-004-01606 & 01602
Civic Address: 1021 Fisher Point Road

RECOMMENDATION:

That application **F 03/09 LOB (Biggs)**, for a deeming by-law to deem Lot 2 on Plan No. 8 (Franklin) and Lot 1 on Plan No. 15 (Franklin) to not be lots on a plan of subdivision, be **APPROVED**, and that By-law 09-133 be given three readings.

ORIGIN:

Earlier this fall, the applicant submitted consent applications **B 13/09 LOB, B 14/09 LOB, B 15/09 LOB** and **B 16/09 LOB** on behalf of Simcoe Siteworks Inc. which each proposed to provide lot additions to the westerly abutting parcels owned by members of Mr. Bigg's family, together with an applicable right-of way. The purpose of these applications was to provide the benefiting lands, which are all developed, with additional area for re-development purposes at a later date. This deeming by-law application involves two legally transferable individual lots that abut each other, which were subject of the above mentioned consent applications and which are more specifically described as Lot 2 on Plan No. 8 (Franklin) and Lot 1 on Plan No. 15 (Franklin) to not be lots on a plan of subdivision, and therefore fulfill a condition of consent.

The Committee of Adjustment granted provisional approval to consent application **B 13/09 LOB** on September 22nd, 2009. One of the conditions of the approval was that a deeming by-law be registered at the appropriate Land Registry Office in order to declare these lots not to be lots on a plan of subdivision in order to facilitate the merging of the severed lands with the respective benefiting lands. Accordingly, the purpose of this application is to deem Lot 2 on Plan No. 8 (Franklin) and Lot 1 on Plan No. 15 (Franklin) to not be lots on a plan of subdivision, and therefore fulfill a condition of consent.

BACKGROUND:

Related Files:	Consent Files B 13/09 LOB, B 14/09 LOB, B 15/09 LOB and B 16/09 LOB.
Natural Constraints:	• Category 1 lake

	<ul style="list-style-type: none"> • Peninsula Lake has been identified as a lake trout lake and at capacity for new lot creation
Lake Phosphorous Sensitivity	<ul style="list-style-type: none"> • Moderate sensitivity to phosphorous
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:	<ul style="list-style-type: none"> • "Waterfront Residential (WR)" Development Permit Area
OSRA Status:	<ul style="list-style-type: none"> • Open, however, an application for closure has been submitted to the Clerk's Department and is in the process of being closed

Site Characteristics:

The proposed severed lands of application B 13/09 LOB are generally level and vacant of any buildings and/or structures. The property is well vegetated with primarily mature, deciduous vegetation. The benefiting lands are also primarily flat and well vegetated with a mix of mature deciduous and coniferous vegetation, and are developed with an existing dwelling.

ANALYSIS:


Staff have no concerns with the approval of this proposal and recommend that the attached by-law be given three readings.

Respectfully submitted by:

With the concurrence of:



 Terri-Lyn Magee
 Planning Technician



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

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-133**

**BEING A BY-LAW TO DEEM LOT 2 OF REGISTERED PLAN NO. 8, AND LOT
1 OF REGISTERED PLAN NO. 15, FORMER TOWNSHIP OF FRANKLIN, NOT
TO BE LOTS ON REGISTERED PLANS OF SUBDIVISION.**

WHEREAS Section 50(4) of the Planning Act, R.S.O. 1990, c.P.13 as amended thereto, authorizes a Municipality to designate any Plan of Subdivision, or part thereof, that has been registered for eight years or more as not being a Plan of Subdivision for subdivision control purposes;

AND WHEREAS it is deemed expedient in order to control adequately the development of land in the Municipality that a by-law be passed pursuant to the said Section 50;

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays ENACTS AS FOLLOWS:

1. THAT the Plan of Subdivision or parts thereof described in Paragraph 2 of this By-law shall be deemed not to be lots or blocks on a Registered Plan of Subdivision for the purposes of Subsection 4 of Section 50 of the Planning Act.

2. THAT Lot 2, Registered Plan No. 8, and Lot 1 of Registered Plan No. 15, being in Part Lot 23, Concession 12, Franklin Ward, of the Township of Lake of Bays, in the District Municipality of Muskoka, which said Plan No. 8 was registered on the 19th day of May, 1910, and which said Plan No. 15 was registered on the 28th day of February, 1949, in the Land Registry Office for the Land Titles Division of Muskoka.

READ a FIRST and SECOND time this 27th day of October, 2009.

Mayor

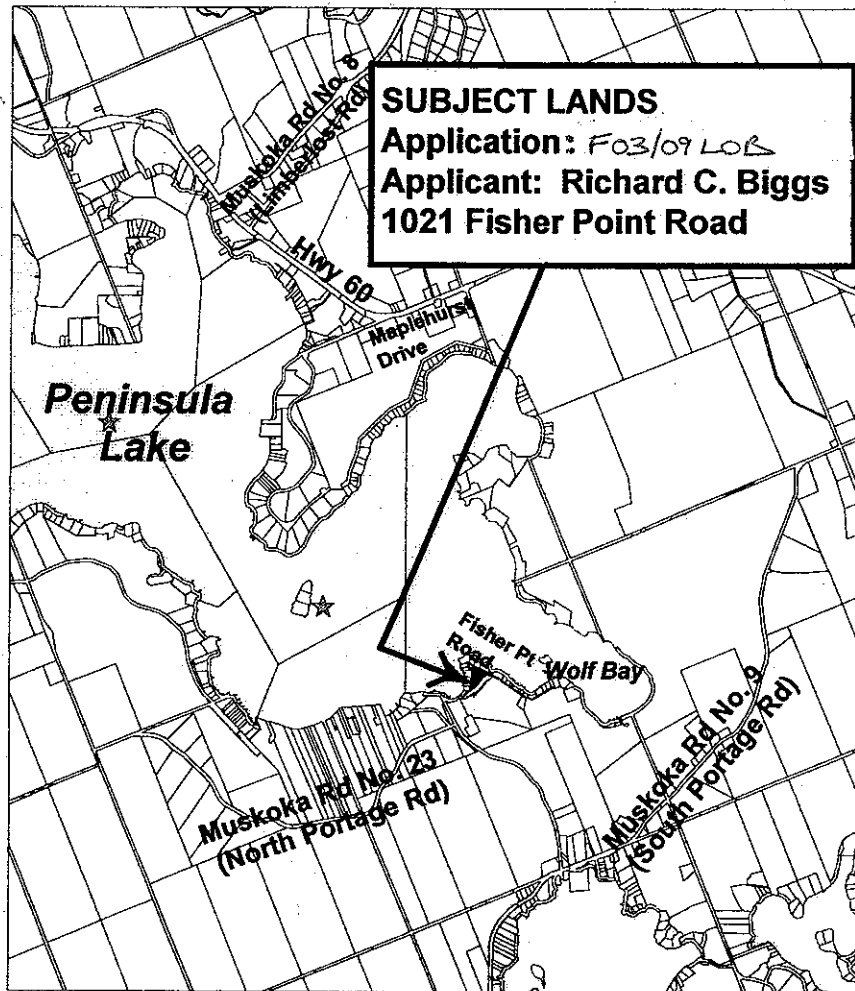
Deputy Clerk

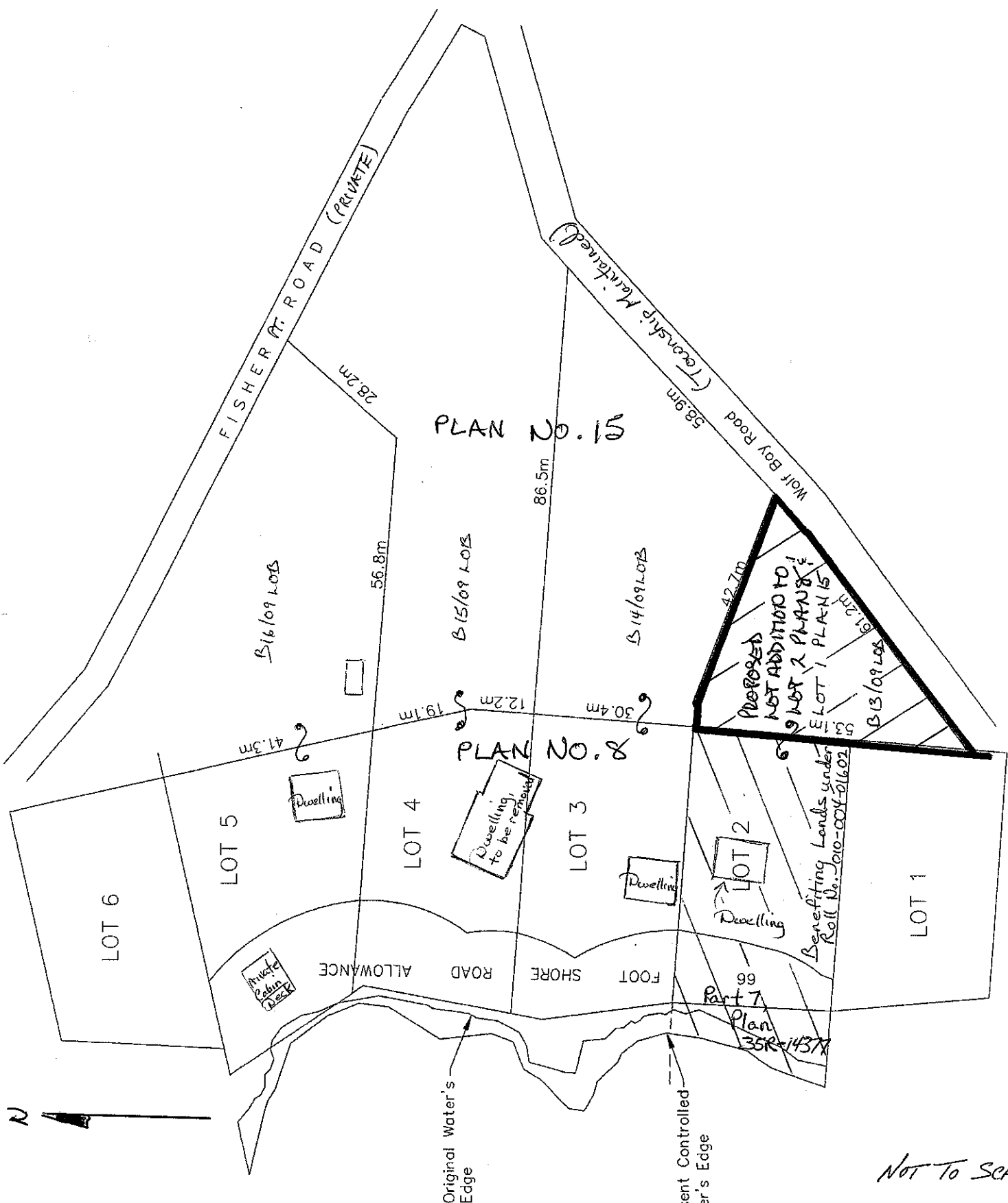
READ a THIRD time and finally passed this 27th day of October, 2009.

Mayor

Deputy Clerk

10/25/09 10:00 AM





PENINSULA LAKE

NOT TO SCALE