



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**  
**September 22<sup>nd</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 September 22<sup>nd</sup>, 2009 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance:**

**Acting Mayor:** Nancy Tapley

**Councillors:** Ben Boivin (District – Franklin/Sinclair/Finlayson)  
Margaret Casey (District – Ridout & McLean)  
Virginia (Ginny) Burgess (Sinclair/Finlayson)

**Absent:** Janet Peake  
Ruth Ross (Ridout)  
Philip Cote (McLean)

**Planner:** Stefan Szczerbak  
**C.A.O./Treasurer:** Don Chevalier  
**Deputy Clerk:** Kelly Stronks

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 10:02 a.m., on September 22<sup>nd</sup>, 2009, by Acting Mayor Tapley.

**2. APPROVAL OF AGENDA**

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

**Resolution 2(a)/09/22/09**

**Councillor Casey and Councillor Burgess**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated September 22<sup>nd</sup>, 2009, be adopted.**

**Carried**

**3. DISCLOSURE OF PECUNIARY INTEREST**

Nil

**4. DEPUTATIONS / DELEGATIONS**

Nil

## 5. MINUTES

### (a) To Be Adopted

- (i) Council Meeting for Planning Matters Only Minutes – August 25<sup>th</sup>, 2009

#### Resolution 5(a)(i)/09/22/09

#### **Councillor Boivin 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 August 25<sup>th</sup>, 2009, as amended.**

**Carried**

### (b) To Be Received

- (i) Committee of Adjustment Meeting Minutes – August 25<sup>th</sup>, 2009  
The minutes were not adopted by the Committee of Adjustment as a correction was required, and therefore were not available for receiving by Council

## 6. REPORTS AND BY- LAWS

### (a) Planning

#### (i) By-laws

- (a) By-law: **09-108**  
File: **Z 39/07 LOB (Russell)**  
Type: Amendment to By-law 04-180  
Applicant: Brenda & Wallace Russell  
Agent: Carswell Planning & Mapping  
Civic Address: 1007 East Grandview Lake Road  
Lot/Con/Ward: L 29, C 12, Ridout, on Grandview Lake  
Roll No.: 030-012-07900

- Mr. Bart Carswell, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and noted the presence of a hydro line on the property and the Ontario Building Code (OBC) setback requirements from that that further constrained development on this lot
- Acting Mayor Tapley asked what the setback was from the hydro line to buildings. Mr. Szczerbak replied he believed it was 3 metres from the line itself to any structure, including a septic bed
- Councillor Boivin asked about the applicant's property on the other side of the road, and if it would be suitable for a garage to be located there. Mr. Szczerbak stated that there were some topographic constraints, but that fill could possibly be placed there to facilitate construction. He noted that this location would be away from the water and reduce its visibility from the water's perspective. Councillor Boivin asked if he had spoken to the applicants about this possibility, and Mr. Szczerbak advised that he would allow the applicants to speak to this
- Mr. Carswell referred to the photos and revised sketch that he had distributed, and that the revised sketch showed the hydro transmission line and that the setbacks from the line have been maintained, therefore meeting OBC requirements. He advised that the property on the other side of the road is a gully and not buildable, and that they would have to totally change the landscape of that area given removal/damage to existing mature trees

- Mr. Carswell proceeded to address the character of the area with an aerial photo, and noted how visible the other cottages in the vicinity were, and the extensive shoreline vegetation that has been maintained on the subject lands that would not have to be re-vegetated should the application be approved
- Councillor Casey asked if the proposed area of construction was vegetated. Mr. Carswell advised that it was, but not as densely vegetated as the shoreline buffer, with some birch trees, etc. Councillor Casey asked about vegetation in the area of the garage. Mr. Carswell advised that it was mostly grass, and that that they proposed to plant additional trees along the lot line where the existing dwelling currently is. Mr. Szczerbak respectfully disagreed with Mr. Carswell, and that the area of proposed construction is more densely vegetated than indicated, with more than just a few trees
- Councillors Burgess and Boivin stated that the situation seemed to be improved and did not see a problem with it
- Councillor Casey stated her appreciation of the concerns of the planner, and that given the small size of the lot there had to be tradeoffs, and her preference that the garage be on the waterfront portion of the property, and felt that there would a gains in terms of the vegetation, noting that the applicants have been good stewards of their property and have designed their proposal recognizing it is a small lot
- No one was present in the gallery who wished to speak to the application
- Acting Mayor Tapley noted a correction of the address on the reading from 1007 to 1107, and read the following:

By-law 09-108 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Russell)(1007 East Grandview Lake Road)(Ridout).

**By-law 09-108 was read a first, second and third time and finally passed.**

(b) By-law: **09-109**  
File: **Z 23/09 LOB (Chen)**  
Type: Amendment to By-law 04-180  
Applicant: Richard Chen  
Agent: Wayne Simpson & Associates  
Civic Address: 1013 Birkendale Road  
Lot/Con/Ward: L 7 & 8, C 6, Franklin, on Lake of Bays  
Roll No.: 010-018-00500

- Mr. Patrick Mason, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application, as it fulfilled a condition of the consent approval for **B 28/08 LOB**
- There were no questions or comments from Council
- No one was present in the gallery who wished to speak to the application
- Acting Mayor Tapley read the following:

By-law 09-109 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Chen)(1013 Birkendale Road)(Franklin).

**By-law 09-109 was read a first, second and third time and finally passed.**

(c) By-law: **09-110 & 09-111**  
Files: **Z 24 & 25/09 LOB (Hallman Lumber Ltd.)**

Type: Amendments to By-laws 04-181 & 04-180  
Applicant: Hallman Lumber Limited  
Agent: John Gallagher  
Civic Address: 1080 Narrows Road  
Lot/Con/Ward: L 3, 4 & 5, C 13, Ridout  
Roll No.: 030-013-08900

- Mr. John Gallagher, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application, as it fulfilled a condition of the consent approvals for **B 36, B 37 & B 38/07 LOB**. He noted the comments contained in the supplementary information package, and proceeded to summarize comments from concerned adjacent landowners John Young and family, Andre Schmidt, and Robert Petrie. He noted that Ms. Dianne Doner was present in the gallery to cover her own letter
- Councillor Casey asked Mr. Szczerbak to remind all Council of the environmental study that had been done on the property in relation to the consent application. Mr. Szczerbak proceeded to do this. She asked if he had any idea as to what the application was proposing for the retained lands
- Acting Mayor Tapley asked if there was access to the large back section of the property. Mr. Szczerbak advised that it had frontage on Narrows Road
- Mr. Szczerbak stated that it was important to change the zoning to the Development Permit By-law, as there were provisions in that by-law to protect vegetation, and that it would be a benefit to have the severed lots in the Development Permit area in order to protect vegetation contained on the steep slopes present on the property
- Mr. Gallagher advised that it was a requirement of the 51(26) Agreement that would limit the location of the building envelopes on the lots, and that the distance beyond the envelopes is 900 ft. He advised that entrances had been identified on the site and approved by Mr. Tom Brown, Township Director of Public Works, during the consent stage, and that the stream identified by Michalski Nielsen Associates was being protected under the new site specific by-law. He advised that regarding the retained lands, his clients planned to construct a single family dwelling, and that they had not retained him for future services on that property. Regarding logging on the property, Mr. Gallagher stated that they had received the necessary approvals from the District of Muskoka, and there was no access to Muskoka Road 117
- Councillor Casey noted that logging was not considered a land use and therefore could not be addressed by the Township. She advised that it appeared that it was the logging that concerned local residents regarding the stormwater. Mr. Gallagher stated that severed lot A had a dwelling on it that had been removed, and that on severed lots B and C there is a plateau that rises about 15 ft above Narrows Road, before the land rose steeply. He advised that he and staff had walked the site and the plateau was the location of the building envelopes
- The following persons from the gallery spoke to the application:

**Ms. Dianne Doner, 1127 Narrows Road**

- She reviewed the letter contained in the agenda package, which stated that trespass had occurred onto her property during logging operations. She noted that a lot of vegetation had already been removed from Severed lots A, B & C, and thought that vegetation was not to have been removed further to the consent approval from last year. She stated that she has found that water is now running onto her property and into her foundation, and her parking area had been washed out,

and she believed this extra runoff has resulted from the removal of the vegetation

- Acting Mayor Tapley advised that there was a provincial law that prevented landowners from diverting drainage onto neighbouring properties, and that this was more of a civil matter
- Councillor Casey advised that she had viewed the site and found that clearing had taken place that did not appear to be associated with logging, and wondered if a Development Permit should have been taken out for this
- Mr. Gallagher advised that the Section 51(26) Agreement could include a provision for stormwater studies
- Councillor Casey stated that stormwater concerns needed to be addressed, and suggested that it could be done by maintenance of overland flow to previously existing conditions so there was no change
- Mr. Gallagher stated that “and drainage plan” could be added to the wording in the agreement, and the applicant/owner would then have to submit a sketch to address this. Mr. Szczerbak noted that the by-law amendment should be pass first and then deal the matters for the Section 51(26) agreement could be dealt with

**Ms. Kim Barrs, 1145 Narrows Road:**

- She advised that she was a member of the family of John P. Young, and stated her concerns with the matter of trespassing. She noted that it appears that the building envelopes had been cleared before seeking rezoning approval, thus making it easier for the applicant. She also advised her family was concerned about the use of the 50 ft lot across the road from the subject lands, and that it may be used to access Lake of Bays
- Mr. Szczerbak stated that regarding the septic, there was a condition in place to demonstrate that septic could be accommodated, otherwise lots would not be created. He noted that a septic application had been submitted but did not know status of it
- Respecting the 50 ft lot on Lake of Bays, he stated that it not a road allowance and was privately owned. Mr. Gallagher advised that the warm water stream on the subject lands exits onto this lot, and recalled that the Building Inspector had advised that a dock could not be constructed on this property
- Acting Mayor Tapley Nancy advised that she would pass along the comments regarding the status of the road to the Roads Department, and read the following:

By-law 09-110 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Hallman Lumber Ltd.)(1080 Narrows Road)(Ridout).

**By-law 09-110 was read a first, second and third time and finally passed.**

By-law 09-111 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Hallman Lumber Ltd.)(1080 Narrows Road)(Ridout).

**By-law 09-111 was read a first, second and third time and finally passed.**

- (d) By-law: **09-112**  
Files: **Z 26/09 LOB (Betula Forests Limited)**  
Type: Amendment to By-law 04-180  
Applicant: Betula Forests Limited

Agent: Bob List of List Planning Ltd.  
Civic Address: 1500 Limberlost Road  
Lot/Con/Ward: L 14, C 4, Sinclair, on Pell Lake  
Roll No.: 020-005-00400

- Mr. Bob List, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application, as it fulfilled a condition of the consent approvals for **B 03, B 04 & B 05/08**
- Acting Mayor Tapley noted that the Field Sawmill heritage feature was present but that no wording had been included in the by-law. Mr. Szczerbak advised that he could review the by-law to see if wording could be inserted through a schedule
- Mr. List stated that Item (b) in each exception stated that the length of the dock to 8 ft should not be included, as this had been an error on his part, and the exception should only refer to the *width* of the dock to be 8 ft. He noted that regarding the heritage feature, it was being included in a heritage agreement as well as the 51(26) agreement
- Acting Mayor Tapley read the following:

By-law 09-112 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Betula Forests Limited)(1500 Limberlost Road)(Sinclair).

**By-law 09-112 was read a first, second and third time and finally passed.**

(e) By-law: **09-113**  
File: **Z 27/09 LOB (Gangbar)**  
Type: Amendment to By-law 04-180  
Applicant: Sydney Gangbar  
Agent: Steve Strickland  
Civic Address: 1010-1 Browns Lane  
Lot/Con/Ward: L 12 & 13, C 9, McLean, on the South Branch of the Muskoka River  
Roll No.: 040-013-07200

- Mr. Steve Strickland, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and noted the letters of support contained in the agenda package
- There were no questions or comments from Council
- Mr. Strickland noted that this proposal had been the fourth revision to the plan, and hoped that the latest revision would fit the needs of both his client and the Township of Lake of Bays
- Acting Mayor Tapley read the following:

By-law 09-113 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Gangbar)(1010-1 Browns Lane)(McLean).

**By-law 09-113 was read a first, second and third time and finally passed.**

(f) By-laws: **09-114 & 09-115**  
Files: **Z 28 & 29/09 LOB (Pelude & Rutherford)**  
Type: Amendment to By-laws 04-181 & 04-180  
Applicant: Ivar Pelude & Marilyn Rutherford  
Civic Address: Limberlost Road - vacant  
Lot/Con/Ward: L 1 & 2, C 7, Finlayson, on Dotty Lake  
Roll No.: 020-012-00200

- Ms Marilyn Rutherford, applicant, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application, as it fulfilled a condition of the consent approval for **B 29/07 LOB**. He noted that a letter of objection had been received from Anne Cheney on behalf of herself and Mr. Ken Cheney
- Councillor Boivin noted that an issue had been raised regarding stormwater runoff and he wondered if Mr. Szczerbak had discussed this with the applicants. Mr. Szczerbak advised that he had, and that the Section 51(26) Agreement included a provision to require a stormwater report. Mr. Szczerbak noted that new development would likely be oriented towards Limberlost Road, as the consent required that the lots have frontage onto this road
- Ms. Rutherford stated that she agreed with the proposed wording of the agreement, and that this should address any stormwater and ecological concerns when development is proposed in the future
- The following person from the gallery spoke to the application:

**Ms. Anne Cheney, 1016 West Dotty Lake Road (permanent address: 1984 Wilkinson St. Innisfil, ON):**

- She proceeded to read a letter that she distributed at the meeting, and which is available on file with the Township. It cited a number of concerns with the proposal of both this application and the previously approved consent applications (**B 28 & 29/07** and **B 01/08 LOB**)
- Councillor Boivin noted that many points had been raised by Ms. Cheney during her presentation, and thought that the planner should respond to them and bring this back to Council at a later date, as he would like an opportunity to table the report with Mr. Szczerbak
- Acting Mayor Tapley noted that the 8.3 ac lot (the retained lands) already had frontage on Dotty Lake. Mr. Szczerbak noted that the parcel to the south of this (**B 29/07 LOB**) had an area of 10 ac with approximately 600 ft of frontage on Limberlost Road, while to the east was a 43.5 ac parcel with 662 ft of frontage on Limberlost Road (**B 28/07 LOB**). He advised that By-law 04-180 permits backlots with an area of 10 ac or more
- Ms. Rutherford advised that there was a lot of history here, and that they have had the property for almost 10 years, that the previous severances were 1500 ft from West Dotty Lake Road, and that the only development they had done on the property was extend West Dotty Lake Road to access their waterfront property, and the clearing of a building lot. She stated that there had been no logging except for the clearing of the road, and she provided photos that showed both ends of West Dotty Lake Road that showed no standing water in the ditches along the road
- Mr. Szczerbak stated that he had no problem addressing some of the issues raised by Ms. Cheney today, but noted that the one year time frame of the lapsing of the consent applications was coming due, and a deferral of the applications may make this deadline tight

**Mr. John Park, 1012 West Dotty Lake Road:**

- He advised that he disagreed with the planner's statement that drainage over the right-of-way was simple, because it was not. He stated that the property had been heavily logged by a previous owner, and that as vegetation and roots take up water, when the trees were removed it resulted in more water being present on the land. He advised that he has taken the responsibility of installing a culvert in West Dotty Lake Road to drain the swampy area, noting that at times the water gets quite deep, and during the spring freshet the water can overflow the culvert.

He stated that he has even installed electrical warming cables to keep the culvert clear of ice to prevent it from clogging. He has noticed the water was pooling a lot more in this area, and that the Cheney's have a similar problem. He has taken steps to divert the water so that it goes into the lake without damaging his property. He advised that he supports the other items the Cheney's have reported

- Acting Mayor Tapley recommended that Council defer the application. Council concurred
- Mr. Szczerbak recommended that the concurrent Section 51(26) Agreement also be deferred. Council concurred

(g) By-law: **09-116**  
File: **C 04/09 LOB (Hallman Lumber Limited)**  
Type: Consent [Section 51(26)] Agreement  
Applicants: Hallman Lumber Limited  
Agent: John Gallagher  
Civic Address: 1080 Narrows Road  
Lot/Con/Ward: L 3, 4 & 5, C 13, Ridout  
Roll No.: 030-013-08900

- Mr. John Gallagher, agent, was present to represent the application
- Mr. Szczerbak recommended that the signing by-law be passed based on the understanding that the agreement be amended to include requirements for a stormwater and drainage plan
- Councillor Casey asked that the applicant make a sincere effort to rectify matters that had been raised by adjacent landowners. Mr. Gallagher stated that he would bring this matter to his clients. He noted that he had been on site and that in some places the ditches were only 6 inches deep and that perhaps Township machinery could make these areas deeper. Acting Mayor Tapley noted that the problem could be bedrock close to the surface
- Acting Mayor Tapley read the following:

By-law 09-116, being a by-law to authorize the Mayor and Clerk to sign documents with respect to a Section 51 (26) Agreement between Willard G. Hallman Lumber Limited and the Corporation of the Township of Lake of Bays (Hallman Lumber Limited)(1080 Narrows Road)(Ridout).

**By-law 09-116 was read a first, second and third time and finally passed.**

(h) By-law: **09-117**  
File: **C 05/09 LOB (Pelude & Rutherford)**  
Type: Consent [Section 51(26)] Agreement  
Applicants: Hallman Lumber Limited  
Agent: John Gallagher  
Civic Address: Limberlost Road - vacant  
Lot/Con/Ward: L 1 & 2, C 7, Finlayson  
Roll No.: 020-012-00200

- See concurrent Item 6(a)(i)(f)(files Z 28 & 29/09 LOB) respecting discussion on this matter, which was deferred

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

(a) File: **DP 59/09 LOB (Strazds)**  
Applicants: Judith & John Strazds  
Civic Address: 1773 North Camp Lake Road  
Lot/Con: L 15, C 5, Finlayson, on Camp Lake  
Roll No.: 020-016-05500

- No one was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application
- There were no questions or comments from Council
- There was no one in the gallery to speak to the application
- Acting Mayor Tapley read the following:

**Resolution 6(a)(ii)(a)/09/22/09**

**Councillor Burgess and Councillor Boivin**

**WHEREAS** the applicant has submitted Development Permit Application DP 59/09 LOB (Strazds) in order to seek relief from:

- a) **Section 5.1.1 (d) (Minimum Shoreline Yard Setback), decrease from the required 30 metres (100 feet) to 17.37 metres (57 feet)**

**of Development Permit By-law 04-180, in order to permit the construction of a 480 ft<sup>2</sup> addition onto the northerly side of the existing dwelling, located in Pt. Lot 15, Conc. 5, Finlayson Ward, on Camp Lake (Strazds) (1773 North Camp Lake Road) (Finlayson) (020-016-05500);**

**AND WHEREAS** a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-law 04-180;

**AND WHEREAS** the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

**NOW BE IT RESOLVED THAT** the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. **That the works be carried out in accordance with plans submitted: August 13, 2009 and marked: DP 59/09 LOB;**
2. **That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;**
3. **That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;**
4. **All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and**
5. **That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the**

**shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water's edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.**

**Carried.**

(b) File: **DP 64/09 LOB (Steeves)**  
Applicant: Edward Steeves  
Agent: Wayne Simpson & Associates  
Civic Address: 1045 Hemlock Ridge Road  
Lot/Con: L 22, C 6, Franklin, on Lake of Bays  
Roll No.: 010-014-10500

- Mr. Patrick Mason, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that staff recommended approval of the application, and noted a letter of concern from Mr. Moffat
- Councillor Casey asked what the proposed height of the boathouse was. Mr. Szczerbak advised that the application was for coverage only and therefore a height of 14.3 ft would have to be maintained
- Councillor Boivin asked if the Original Shore Road Allowance (OSRA) was closed. Mrs. Stronks advised that the application stated the OSRA was not closed
- Mr. Mason stated that the permitted height was from the middle of the peak, and based on this the height is just over 11 ft. He confirmed that the OSRA was not closed. He stated that the topography of the property was an issue, and it was unlikely to be severed in the future given this. He advised that getting to the water was an issue, and as his clients aged they wished to have storage at the water's edge. He noted that the shoreline was well vegetated
- Councillor Burgess noted that the topography was very steep, and with large frontage she did not think that the increase to 9% will be a problem. Councillor Casey stated her disagreement with this, noting that she had been on the lake and had been amazed at the number of larger boathouses on the lake, and that she thought that Council should be a lot more demanding in trying to get people to limit their boathouse sizes
- Acting Mayor Tapley noted that the application is proposing relief from the by-law for an additional 424 sq ft. Councillor Boivin wondered if there was a possibility of some reduction, and if a deferral would have an impact on the final result
- Mr. Szczerbak noted that the boathouse itself is 1600 sq ft
- Acting Mayor Tapley stated that she would like to have seen a conceptual sketch of the boathouse
- Councillor Casey stated that she had sat on the board when the By-law 04-180 was being created, and that what made Lake of Bays so different from other Muskoka lakes was that the shoreline vistas have been maintained and the size of shoreline structures has been limited. She advised that the amount of 40% shoreline activity area coverage was argued long and hard, and should be upheld, and that an increase of 9% was too large, stating her concern was mainly with the boathouse size and not so much with the docking. Mr. Szczerbak advised that a future amendment would address this. Acting Mayor Tapley stated her hope that planners and contractors would come on board to help persuade their clients to reduce the size of docks and boathouses to be more in keeping with the by-law
- A member of the gallery, Dianne Doner, received permission to speak and advised that she had a cottage on Lake of Bays and agreed with

Councillor Casey, as she too had noted more visually intrusive boathouses on the lake

- Acting Mayor Tapley read the resolution, and Councillor Boivin asked if the application could be deferred to see if the agent could consult with the client to reduce it further. Mr. Szczerbak advised that if Council was considering a reduction, he recommended deferring it pending discussions with the applicant
- Acting Mayor Tapley read a revised resolution as follows:

**Resolution 6(a)(ii)(b)/09/22/09**

**Councillor Burgess and Councillor Boivin**

**WHEREAS the applicant has submitted Development Permit Application DP 64/09 LOB (Steeves) in order to seek relief from:**

- a) Section 5.1.1(l) (Maximum Shoreline Activity Area Coverage), increase from the permitted 40% to 48.9%;**

**of Development Permit By-law 04-180, in order to permit the construction of a dock and boathouse facility, located in Pt. Lot 22, Conc. 6, Franklin Ward, on Lake of Bays (Steeves) (1045 Hemlock Ridge Road) (Franklin) (010-014-10500);**

**NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby DEFERS this application to the meeting of October 27<sup>th</sup>, 2009 pending discussions with the applicant to reduce the size of the proposal.**

<b>Recorded Vote:</b>	<b>Nays</b>	<b>Yeas</b>
Virginia (Ginny) Burgess	_____	_____✓
Ben Boivin	_____	_____✓
Margaret Casey	_____	_____✓
Acting Mayor Tapley	_____	_____✓

**Carried.**

(c) File: **DP 69/09 LOB (Blom)**  
 Applicants: Jean & Carl Blom  
 Agent: Sandy Forsyth  
 Civic Address: 1057 Long Point Road  
 Lot/Con: L 24, C 5, Franklin, on Lake of Bays  
 Roll No.: 010-015-04800

- Ms Sandy Forsyth, agent, was present to represent the application
- Mr. Szczerbak reviewed the staff report and advised that staff recommended approval of the application
- Councillor Casey stated that the boathouse seemed to be excessively large, noted the treatment of the gable, was curious as to the height, and thought that there was potential to reduce the amount of docking
- Mr. Szczerbak stated that regarding the height, although the applicants were not looking for increase in height, the building department interprets dormers under 8 ft in width to not have load bearing walls
- Councillor Casey stated that her concern was that the gable, together with the cupolas, gave the appearance of a two storey boathouse, and that the bigger the footprint of a boathouse, the greater the roof height has to be to make it architecturally pleasing
- Ms Forsyth provided photos of the shoreline and advised that her clients had a long history on the lake, and that all generations wished to utilize the shoreline area. She noted expanses of bedrock along the shoreline

of the property, which limited sitting areas along the shoreline, which resulted in the need for enlarged docking to accommodate the family. She advised that the boathouse had to be out further given the shallow water depth and that a larger cruising boat and a vintage wooden boat had to be accommodated

- Acting Mayor Tapley noted the long faceprint of the cottage, and that when the faceprint of the boathouse was added, it looked very obvious

**Mr. Steve Strickland, 2157 Hwy 141, Utterson:**

- He advised that he had renovated this cottage in the mid 1990's, that the owners were very sensitive to the lake, and that only one diseased tree had been removed in that whole time. He noted that the rest of the property was heavily vegetated, and that although the boathouse was out from shore, the shoreline behind this was heavily vegetated. He advised that the structure would be tastefully done and sensitive to neighbours
- Councillor Casey noted the proliferation of boathouses, and asked if it was possible to remove the dormers. She also noted that the cottage was a light colour and really obvious, and if the owner would choose a more natural colour to blend in. Ms Forsyth advised that she could not speak to this
- Acting Mayor Tapley stated that she had concerns with boathouses that didn't originate right at the shore and projected out into the lake, but appreciated the problem with bedrock and shallow water depths requiring the need to have the boathouse to be out further. She also wondered about the dormers being removed. Ms Forsyth advised that they were trying to work with the maximum distance a boathouse could project, while trying to accommodate depths for the boats, as it was a tight envelope to develop in. She noted that that the applicants had twice the water frontage that many lots had
- Mr. Strickland noted that with respect to projecting boathouses, the proposed boathouse was located in a bay and that traffic flow is such that boaters would not have the vantage point to see the projection
- Acting Mayor Tapley read the resolution and Councillor Casey asked for a recorded vote:

**Resolution 6(a)(ii)(c)/09/22/09**

**Councillor Burgess and Councillor Boivin**

**WHEREAS the applicant has submitted Development Permit Application DP 69/09 LOB (Blom) in order to seek relief from:**

- a) Section 5.1.1(l) (Maximum Shoreline Activity Area Coverage), increase from the permitted 40% to 49.5%;**

**of Development Permit By-law 04-180, in order to permit the construction of a dock and boathouse facility, located in Pt. Lot 22, Conc. 6, Franklin Ward, on Lake of Bays (Blom) (1057 Long Point Road) (Franklin) (010-015-04800);**

**AND WHEREAS a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-law No. 04-180;**

**AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;**

**NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in**

**Schedule C of the Development Permit By-law has been fulfilled, and hereby APPROVES the proposal in accordance with the attached sketch subject to the following conditions:**

1. That the works be carried out in accordance with plans submitted: August 25, 2009 and marked: DP 69/09 LOB;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as “complete” is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water’s edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

<b>Recorded Vote:</b>	<b>Nays</b>	<b>Yeas</b>
Virginia (Ginny) Burgess	_____	_____✓
Ben Boivin	_____	_____✓
Margaret Casey	_____✓	_____
Acting Mayor Tapley	_____	_____✓

**Carried.**

**(iii) Other**

**a) Report Development Permit System**

- Ms Samantha Hastings, Director of Policy and Programs for the District of Muskoka, was present
- Mr. Szczerbak presented the staff report, which was a proposal for the District of Muskoka to undertake a housekeeping amendment to By-law 04-180 to improve its efficiency and effectiveness. He recommended that the project be paid for out of the Official Plan reserve fund, and therefore there would not be a need to include it in the budget. He noted that the District’s proposal did not include any appeals that may be received
- Ms Hastings understanding from sitting in that morning’s meeting was that Council was still as committed to the land/water interface and the preservation of the waterfront character as when the by-law was first passed, but with the clarification of some items
- Councillor Casey referred to the timing of the public meetings, and that there should be an evening session in order to accommodate contractors, etc.

- Councillor Casey referred to the table for 2006 statistics on p. 125, and noted the average issuance time was 12 weeks, but that Council meetings were on a three week rotation then, and that as Council meetings were now on a four and sometimes five week rotation, this would result in the longer turnaround times of 2007 and 2008
- Councillor Boivin stated that he agreed with anything that reduced the amount of time in processing an application but with the same result of protecting the aesthetics of the environment, and was as effective and as efficient as possible
- Acting Mayor Tapley noted that the strategic plan also supported that township values are the same now as when the Vision document was created. She read the following:

**Resolution 6(a)(iii)(a)/09/22/09**

**Councillor Burgess and Councillor Boivin**

**NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby authorize staff to proceed with the proposed changes to the Development Permit System outlined in the staff report dated September 22<sup>nd</sup>, 2009.**

**Carried.**

**7. CLOSED SESSION**

NIL

**8. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**9. CONFIRMING BY-LAW**

By-law 09-118, being a by-law to confirm the proceedings of the meeting of Council held on September 22<sup>nd</sup>, 2009.

**By-law 09-118 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/09/22/09**

**Councillor Burgess and Councillor Boivin**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays adjourn at 1:53 pm to meet again on October 13<sup>th</sup>, 2009, at 1:00 p.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.**

**Carried**

---

Mayor

---

Deputy Clerk