

Committee Deliberations:

- There were no questions or comments from Committee members
- Chairperson Peake read aloud the following resolution:

MOTION

MOVED BY: Ruth Ross
SECONDED BY: Philip Cote

That Application A 02/10 LOB (Dwyer & Allen) for a minor variance from By-law 04-181, specifically from Section 4.3 (Accessory building that is not part of a principle structure not to be erected closer to the front lot line than principle building). This will permit the construction of a private garage located 32 metres (105 ft) from the front lot line which would be located closer to the front lot line than the principle building; as illustrated on the attached sketch, located in Part Lot 21, Concession 10, Ridout Ward, at 1811 Paint Lake Road, now in the Township of Lake of Bays, be APPROVED subject to the following condition:

- (1) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 41 of the Planning Act and this Agreement be registered onto the title of the lands. Said site plan shall ensure the retention of natural vegetation along the road frontage of Paint Lake Road, in accordance with Section I.18(n) of the Township Official Plan.

Reasons:

1. The variance is desirable in the opinion of the Committee for the appropriate development or use of the land, building or structure.
2. The variance is in keeping with the general intent and purpose of the by-law.
3. The variance conforms to the intent and purpose of the Official Plan.
4. The variance is minor in nature.

CARRIED.

8. CONSENTS

- i) **B 11/09 LOB, Applicants: Philip & Mabel Copp**
Part Lots 8 & 9, Con. 8, Franklin Ward, on the Oxtongue River, 25613 Hwy 35
Roll No: 010-011-08200
Agent: Ted Williams of E.J. Williams Surveying Ltd.
- Carried forward from the meetings of Aug. 25, Sept. 22 & Nov. 24, 2009, and May 18, 2010

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

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff had no concerns with the deferral of the application

Committee Deliberations:

- There were no questions or comments from Committee members
- Chairperson Peake read aloud the following resolution:

MOTION

MOVED BY: Virginia (Ginny) Burgess
SECONDED BY: Ruth Ross

That Application B 11/09 LOB (Copp) be DEFERRED to the August 17th, 2010 meeting of the Committee, at the request of the applicants, in order to permit additional time for the Committee to continue their discussions with the applicants and their agent related to parkland dedication on the subject lands.

CARRIED.

- ii) **B 15/10 LOB, Applicants: Richard & Elayne Merritt**
B 16/10 LOB, Applicants: Jeff Hendry & Christine Britz
Part Lot 20, Con. B, Sinclair Ward, on Bella Lake
1040 & 1060 Hart Lane
Roll Nos: 020-009-04603 & 4604
Agent: Susan Higgins & Peter McCubbin

Present: Susan Higgins & Peter McCubbin, agents, were present to represent the application.

No Persons in Attendance in Favour of Requested Consent
No Persons in Attendance Opposed to Requested Consent

The purpose of application **B 15/10 LOB** is to sever a right-of-way over the Merritt property in order to provide legal access to two southerly adjacent properties, one owned by Jeff Hendry & Christine Britz, and the other owned by Susan Higgins and Peter McCubbin at 1070 Hart Lane (Roll No. 020-009-04605).

Application **B 16/10 LOB** would then provide for a right-of-way across the Hendry & Britz property to the Higgins and McCubbin property. The proposed right-of-way would exit off the existing entrance to the Merritt property off Hart Lane, a private road that originates at Billie Bear Road, and would provide a safer and more accessible route to each of the benefiting lots, as a rock ridge is present across all three properties which impedes access.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff had no concerns with the approval of the applications, subject to the recommended conditions

Committee Deliberations:

- Councillor Boivin asked if there was a need to clear many trees. Mr. Szczerbak advised that a portion of the driveway already existed, but that some trees would need to be cut, but noted it was some distance from Bella Lake, and as the proposed easement was only 18 ft wide, the driveway itself may be less than this
- Chairperson Peake read aloud the following resolution:

MOTION

MOVED BY: Margaret Casey
SECONDED BY: Ruth Ross

That application B 15/10 LOB (Merritt) 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) to which this consent approval has been granted.
- (2) That a “Transfer in Preparation”, or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.
- (3) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

REASONS:

1. The Committee is satisfied that the consent application generally conforms to the intent of the Township Official Plan, and will serve to provide an easement for right-of-way to two southerly properties under Roll numbers 020-009-04604 & 04605.

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.

MOTION

MOVED BY: Virginia (Ginny) Burgess
SECONDED BY: Philip Cote

That application B 16/10 LOB (Hendry & Britz) 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) to which this consent approval has been granted.
- (2) That a “Transfer in Preparation”, or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.
- (3) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

REASONS:

1. The Committee is satisfied that the consent application generally conforms to the intent of the Township Official Plan, and will serve to provide an easement for right-of-way to a southerly property under Roll number 020-009-04605.

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.

- iii) **B 18, 19 & 20/10 LOB, Applicant: Daniel Boothby**
Part Lot 6, Con. 9, Franklin Ward, Spring Lake Road - vacant
Roll No: 010-011-07605
Agent: Marie Poirier Planning & Associates
- concurrent with rezoning application Z 41/09 LOB

Present: Dan Boothby, applicant, and Terry Sararas, agent, were present to represent the application.

No Persons in Attendance in Favour of Requested Consent
No Persons in Attendance Opposed to Requested Consent

The purpose of these applications is to sever off three parcels of land in order to create a total of four residential building lots, together with applicable easements for rights-of-way for access, as follows:

	Lot Area		Frontage on Private Right-of-way	
B 18/10 LOB (Severed Lot "A")	1.08 ha	2.6 ac	31 m	101 ft (on a curve)
B 19/10 LOB (Severed Lot "B")	0.83 ha	2.1 ac	91 m	298 ft (partially on curve)
B 19/10 LOB (Severed Lot "C")	0.90 ha	2.2 ac	29.5 m	96 ft (on a curve)
Retained Lands	0.93 ha	2.3 ac	87.5 m	287 ft (partially on curve)
Total Property	3.74 ha	9.2 ac	n/a	n/a

Access to the proposed lots will follow a private driveway off of an unmaintained road allowance between Concessions 8 and 9 in Lot 7, Franklin Ward, which exits to Spring Lake Road, a municipally owned and maintained road.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff had no concerns with the deferral of the application

Committee Deliberations:

- Councillor Boivin asked if staff had consulted with the agent respecting the recommended conditions and if the agent had agreed to them. Mr. Szczerbak advised that Mr. Sararas was aware of the recommendations and that there one minor change had been made
- Councillor Ross wanted assurance that the road would be not be upgraded and required to be taken over by the Township in the future. Mr. Szczerbak advised that the recommended Section 51(26) agreement would address this to ensure it did not occur

Terry Sararas, Agent:

- Mr. Sararas noted that this was a very large lot, and that he thought the proposed residential use was more appropriate than the previous commercial proposal
- He noted that the property was essentially landlocked as no entrance was available from Hwy 60, and therefore the right-of-way had been proposed as access. He advised that he had spoken to the Director of Public Works, as well as Mr. Szczerbak, who both agreed that the proposal did not have to be handled by way of a plan of subdivision, and that Public Works did not wish to have additional roads to maintain to be added to the existing network
- Councillor Casey noted that the community had had concerns with the previous proposal, and asked if the new proposal had been presented to neighbours in that area. Mr. Sararas advised that they had spoken with the neighbours to the east and that they were fine with it. He also noted that Mr. Boothby was cleaning up the site, which had also been a concern to the community
- Chairperson Peake read aloud the following resolution:

MOTION

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

That application B 18/10 LOB (Boothby) be APPROVED, subject to the following conditions:

- (1) That two copies of a 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 a “Transfer in Preparation”, or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.**
- (3) That the severed and retained lands be brought into conformity with the applicable Township By-law by rezoning them to the applicable “Community Residential One with an Exception (R1-E121)” Zone to exempt frontage on a road, specify the location of the front lot line, and include a provision that there shall be no obligation on the Township to improve the proposed access, nor to provide the same level of road maintenance as is provided to lots fronting on a road.**
- (4) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and that this Agreement be registered on the title of the severed and retained lots. The Agreement shall include provisions that notify of the following: a) that access to the subject lands shall be via a private driveway located on an unassumed Road Allowance originating off Spring Lake Road, and that said road and private driveway shall be maintained at the sole expense and responsibility of the landowner(s). Further, there shall be no obligation on the**

Township to improve the proposed access, nor to provide the same level of road maintenance as is provided to lots fronting on a road, and that the access must be in accordance with the Ontario Building Code in order to ensure that the road and the private driveway can accommodate emergency vehicles; b) the submission and approval of a Site Plan Agreement application prior to any development, site alteration, vegetation removal, or the issuance of a building permit on said lands, and that natural vegetation be retained outside of the identified building and septic envelopes, and driveway location, in order to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, and to ensure the retention of the existing natural vegetation for a minimum depth of 100 ft along the rear lot line of the severed lots of B 19 and B 20; c) that the Ministry of Transportation will require the issuance of a Permit prior to the construction of any buildings or re-grading of the property or placing fill; and d) that the Ministry of Transportation will not grant direct access to Hwy 60, and all access to the property must be from Spring Lake Road.

- (5) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$817.80.
- (6) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

REASONS:

1. The Committee is satisfied that the consent application generally conforms to the intent of the Township and District Official Plans, and will serve to create one new building lot together with an easement for right-of-way.

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.

MOTION

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

That application B 19/10 LOB (Boothby) be APPROVED, subject to the following conditions:

- (1) That two copies of a 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 a “Transfer in Preparation”, or an electronic legal description of the severed

lands, be provided to the Secretary-Treasurer.

- (3) That the severed and retained lands be brought into conformity with the applicable Township By-law by rezoning them to the applicable “Community Residential One with an Exception (R1-E121)” Zone to exempt frontage on a road, specify the location of the front lot line, and include a provision that there shall be no obligation on the Township to improve the proposed access, nor to provide the same level of road maintenance as is provided to lots fronting on a road.
- (4) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and that this Agreement be registered on the title of the severed and retained lots. The Agreement shall include provisions that notify of the following: a) that access to the subject lands shall be via a private driveway located on an unassumed Road Allowance originating off Spring Lake Road, and that said road and private driveway shall be maintained at the sole expense and responsibility of the landowner(s). Further, there shall be no obligation on the Township to improve the proposed access, nor to provide the same level of road maintenance as is provided to lots fronting on a road, and that the access must be in accordance with the Ontario Building Code in order to ensure that the road and the private driveway can accommodate emergency vehicles; b) the submission and approval of a Site Plan Agreement application prior to any development, site alteration, vegetation removal, or the issuance of a building permit on said lands, and that natural vegetation be retained outside of the identified building and septic envelopes, and driveway location, in order to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, and to ensure the retention of the existing natural vegetation for a minimum depth of 100 ft along the rear lot line of the severed lots of B 19 and B 20; c) that the Ministry of Transportation will require the issuance of a Permit prior to the construction of any buildings or re-grading of the property or placing fill; and d) that the Ministry of Transportation will not grant direct access to Hwy 60, and all access to the property must be from Spring Lake Road.
- (5) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$661.20.
- (6) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

REASONS:

1. The Committee is satisfied that the consent application generally conforms to the intent of the Township and District Official Plans, and will serve to create one new building lot together with an easement for right-of-way.

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.

MOTION

MOVED BY: Philip Cote
SECONDED BY: Virginia (Ginny) Burgess

That application B 20/10 LOB (Boothby) be **APPROVED**, subject to the following conditions:

- (1) That two copies of a 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 a “Transfer in Preparation”, or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.
- (3) That the severed and retained lands be brought into conformity with the applicable Township By-law by rezoning them to the applicable “Community Residential One with an Exception (R1-E121)” Zone to exempt frontage on a road, specify the location of the front lot line, and include a provision that there shall be no obligation on the Township to improve the proposed access, nor to provide the same level of road maintenance as is provided to lots fronting on a road.
- (4) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and that this Agreement be registered on the title of the severed and retained lots. The Agreement shall include provisions that notify of the following: a) that access to the subject lands shall be via a private driveway located on an unassumed Road Allowance originating off Spring Lake Road, and that said road and private driveway shall be maintained at the sole expense and responsibility of the landowner(s). Further, there shall be no obligation on the Township to improve the proposed access, nor to provide the same level of road maintenance as is provided to lots fronting on a road, and that the access must be in accordance with the Ontario Building Code in order to ensure that the road and the private driveway can accommodate emergency vehicles; b) the submission and approval of a Site Plan Agreement application prior to any development, site alteration, vegetation removal, or the issuance of a building permit on said lands, and that natural vegetation be retained outside of the identified building and septic envelopes, and driveway location, in order to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, and to ensure the retention of the existing natural vegetation for a minimum depth of 100 ft along the rear lot line of the severed lots of B 19 and B 20; c) that the Ministry of Transportation will require the issuance of a Permit prior to the construction of any buildings or re-grading of the property or placing fill; and d) that the Ministry of Transportation will not grant direct access to Hwy 60, and all access to the property must be from Spring Lake Road.
- (5) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$693.10.
- (6) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement

Agreement.

REASONS:

1. **The Committee is satisfied that the consent application generally conforms to the intent of the Township and District Official Plans, and will serve to create one new building lot together with an easement for right-of-way.**

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.

- iv) **B 21/10 LOB, Applicant: Mary Fisher**
Part Lot 5, Con. 11, McLean Ward, on Lake of Bays, Kerrimuir Road - vacant
Roll No: 040-014-02800
Agent: Cathy Charles

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**

This application proposes to sever a 0.3 ha (0.74 ac) parcel and merge it with the benefiting property to the north owned by Cathy Charles (being Parts 2 & 3 on Plan 35R-17791). The benefiting lands currently contain a single family dwelling, a sleeping cabin, a shed and a dock. The proposed lot addition is intended to legalize the existing septic system that services the Charles property, as it encroaches over the current lot line. The lot addition will also have the effect of providing frontage on Kerrimuir Road, a private right-of-way which provides access to both the subject and benefiting properties. The proposed lot addition will result in the following lot configurations:

	Lot Area		Frontage on Kerrimuir Road (private)	
Severed Lot	0.3 ha	0.74 ac	80.7 m	265 ft
Retained Lot	3.0 ha	7.4 ac	166.4 m	546 ft
Total Property	3.3 ha	8.14 ac	435 m	1265 ft
Resulting Benefiting Lot	.71 ha	1.77 ac	80.7 m	265 ft

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff had no concerns with the deferral of the application

Committee Deliberations:

- There were no questions or comments from Committee members
- Chairperson Peake read aloud the following resolution:

MOTION

MOVED BY: RuthRoss
SECONDED BY: Margaret Casey

That application B 21/10 LOB (Fisher) be DEFERRED to the meeting of August 17th, 2010, at the request of the applicant.

CARRIED.

9. DEFERRED MATTERS

Minor Variances:

NIL

Consents:

- i) **B 12/10 LOB, Applicants: Richard Morse & Michael Morse**
Part Lot 28, Con. 14, Franklin Ward, on Peninsula Lake, 1030 Penmore Lane
Roll No: 010-003-00100
Agent: Pinckard Bailey Professional Corporation
- Deferred to the meeting of Aug. 17, 2010 from the meeting of Apr. 26, 2010

Other:

NIL

10. CLOSED SESSION

NIL

11. BUSINESS ARISING FROM CLOSED SESSION

NIL

12. OTHER MATTERS

MOTION

MOVED BY: Virginia (Ginny) Burgess
SECONDED BY: Philip Cote

That the Committee of Adjustment hereby constitutes itself for the purpose of hearing other matters.

CARRIED.

NIL

13. ADJOURNMENT

The meeting was adjourned at 9:45 a.m.

MOTION

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

The Committee of Adjustment hereby adjourns the meeting of July 20th, 2010.

CARRIED.

CHAIRPERSON

SECRETARY-TREASURER

DRAFT