



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**  
**July 20<sup>th</sup>, 2010**  
**MINUTES**

There was a regularly scheduled meeting of Council held for *Planning Matters Only* immediately following the Committee of Adjustment meeting begun at 9:08 a.m., on July 20<sup>th</sup>, 2010 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance:**

<b>Mayor:</b>	<b>Janet Peake</b>	
<b>Councillors:</b>	<b>Margaret Casey</b>	<b>(District – Ridout &amp; McLean)</b>
	<b>Ruth Ross</b>	<b>(Ridout)</b>
	<b>Ben Boivin</b>	<b>(District – Franklin/Sinclair/Finlayson)</b>
	<b>Virginia (Ginny) Burgess</b>	<b>(Sinclair/Finlayson)</b>
	<b>Philip Cote</b>	<b>(McLean)</b>
<b>Absent:</b>	<b>Nancy Tapley</b>	<b>(Franklin)</b>
<b>Planner:</b>	<b>Stefan Szczerbak</b>	
<b>Deputy Clerk:</b>	<b>Kelly Stronks</b>	

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 9:53 a.m., on July 20<sup>th</sup>, 2010, by Mayor Peake.

**2. APPROVAL OF AGENDA**

A supplementary information package was provided to each Council member.

**Resolution 2(a)/07/20/10**

**Councillor Cote and Councillor Burgess**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated July 20<sup>th</sup>, 2010, be adopted as circulated.**

**Carried.**

**3. DISCLOSURE OF PECUNIARY INTEREST**

Nil

## 5. MINUTES

### (a) To Be Adopted

- (i) Council Meeting for Planning Matters Only Minutes – June 8<sup>th</sup>, 2010

#### Resolution 5(a)(i)/07/20/10

**Councillor Ross and Councillor Casey**

**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 June 8<sup>th</sup>, 2010, as circulated.**

**Carried.**

### (b) To Be Received

- (i) Committee of Adjustment Meeting Minutes – June 8<sup>th</sup>, 2010

#### Resolution 5(b)(i)/07/20/10

**Councillor Casey and Councillor Ross**

**Be it resolved that the Council of the Corporation of the Township of Lake of Bays receive the Committee of Adjustment minutes for the meeting dated June 8<sup>th</sup>, 2010.**

**Carried.**

## 4. DEPUTATIONS / DELEGATIONS

Nil

## 6. REPORTS AND BY- LAWS

### (a) Planning

**Item 6(a)(i)(e):** By-law: **10-64**  
Files: **Z 18/09 LOB (1818267 Ontario Inc. - Diasio)**  
Type: Amendment to By-law 04-181  
Applicant: 1818267 Ontario Inc. c/o Mike Diasio  
Agent: John Gallagher  
Civic Address: 4-1 & 6 North Road, & 2 Elizabeth St. & East Road, Baysville  
Lot/Con/Ward: L 15, C 7, McLean Ward  
Roll Nos.: 040-001-06800, 07000, 07500, 07501 & 07600

- Mike Diasio, applicant, and John Gallagher, agent, were present to represent the application

- Mr. Szczerbak advised that a more recent site plan had been received yesterday and had been included in the supplementary information package. He then read the staff report, and read the names on each of the form letters that had been submitted in opposition to the application. He noted that he had had a conversation with Jan Wheeldon the previous day, and who was unable to attend the meeting, who had expressed similar concerns as the form letters that had been submitted, as well as a request that the location of the garbage storage be relocated to the other side of the property, as it is currently proposed beside her lot line. Mr. Szczerbak advised that staff had no concerns with the application, and noted that a site plan agreement application had also been submitted

**Council Deliberations:**

- The location of the garbage storage was clarified for Council. It was agreed that it could be relocated to the south side of the property close to Young St.
- Councillor Boivin stated his concern with the number of letters received in opposition to the proposal, and asked what kind of assurances Council could give to constituents to address these concerns to ensure that the site is kept in a tidy state. He noted recent efforts to beautify Baysville, and that he would not want to see this compromised. Mr. Szczerbak stated that Section 51(26) and site plan agreements are planning tools that are in place to do this, but that site plan agreements are limited to the location of structures, plantings, parking area, etc., not how a property is maintained. Respecting a performance mechanism, this would fall more into a property standards by-law, and that there were provisions in the Official Plan to consider this type of by-law. Mr. Szczerbak noted that there would be some costs associated with this, such as establishing a committee, etc.
- Councillor Boivin stated that Baysville was an identified community, and whether such a by-law could just be applied to Baysville, and ensure that a minimum standard criteria was in place to placate neighbours
- Councillor Cote advised that it was his understanding that the Town of Huntsville uses a [REDACTED]?? by-law with the same result. Mayor Peake advised this could be considered in the future
- Councillor Casey stated that she shared the concerns of the community respecting the state of the various parcels of land owned by Mr. Diasio, but that the municipality could not control who purchases properties. She noted that the site plan agreement would dictate what would take place on the property, and that Council had stepped back from implementing a property standards by-law because of cost, and that concerned landowners should be prepared to pay additional taxes to support this

**John Gallagher, agent:**

- He stated that this was an exciting time in the development of Baysville, with funding for these units being provided by the provincial and federal governments. He noted the revisions that had been made to the original plan, which included reducing the scale of the building which resulted in an increased side yard with the northerly abutting neighbour (Wheeldon), and increased setback from the front lot line, which allowed for more landscape planting. He noted the removal of old general store, and that the building

proposed had been designed by a well known architect to be attractive and blend in with the community

- He noted that if a property standards by-law was implemented, it would have to apply to all properties, not just his client's. With respect to the garbage storage, he advised that they would accommodate Ms Wheeldon's request and relocate it away from the northerly property boundary

#### **Further Council Deliberations:**

- Councillor Casey asked Mr. Diasio if he could commit to cutting the long grass on the site during the tourist season, noting that a number of events were upcoming. She also asked for the removal of the old barn. Mr. Diasio committed to cutting the grass, but stated that the barn had a lot of material stored in it, and that he had hoped to store material in it during construction. He advised that he had expected to be building by now, which is why he had not cut the grass
- Councillor Casey advised Council of affordable housing initiatives taking place in the District of Muskoka, and that other communities that had built affordable housing had been enhanced, and allowed seniors to remain in their communities. She stated that this was a positive development for Baysville, as it would allow more people to live year round in the community and support businesses year round, not just rely on tourism season
- Councillor Ross agreed that it would be positive as long as it was done right, and encouraged Mr. Diasio to listen to the community
- Councillor Cote asked about the possibility of removing the boat from the property. Mr. Diasio agreed

The following persons from the gallery spoke:

#### **Mr. Ted Brewer, 6 East St**

- Mr. Brewer advised that he lived across East St. from the proposal, and that that he had some photos of the property, which he distributed to Council
- He agreed that the house and store had been removed, but that nothing else had been done for two years. He asked that Council conduct a site visit of the various properties before a decision was made, and asked if a performance bond was required
- Mayor Peake asked Mr. Szczerbak to address Mr. Brewer's comments. Mr. Szczerbak did so, and that his peers at the District of Muskoka had reviewed the plans and thought it was wonderful. He noted that the Ontario Building Code was also in place to ensure they were constructed to a certain standard

#### **Ms Patti Secord, 1005 Fairy Falls Road**

- She stated that she had a concern with the term "differs slightly", as the proposal has evolved from high end condos to low income housing
- She expressed a concern of the extra stress that would result on the park across the road, which is a favourite one in Baysville, and that there would be more stress with year round living instead of seasonal dwellers. She noted that the park is being kept clean by citizens, and that every time she goes she takes a garbage bag
- Another concern was that the house that was torn down had asbestos siding that she believed did not have proper safe removal

- She questioned that property values would increase as a result of this development, noting that similar statistics from Huntsville indicate otherwise. She noted that there was not a good transportation system in place in the event that residents did not have vehicles, and that this development was not in the right location

**Ms Linda Danby, 1037 Kelly Road**

- She advised that she grew up near subsidized housing, and that she agreed with a property standards by-law
- She noted that Mr. Diasio had been advised to clean up his properties before, and she wondered if this development was going to result in constant monitoring to ensure that he was keeping the properties clean
- She advised that the housing market value in Baysville is half of what it is in other areas, and that affordable housing would tip the scale the other way instead of increasing values

**Further Council Deliberations:**

- Mayor Peake asked Mr. Gallagher about a time line for construction. Mr. Gallagher stated that he hoped to submit a building permit in two weeks
- Mr. Gallagher further stated that there seemed to be a misconception in the community as to what affordable housing was. He advised that a rental amount could be \$ [REDACTED], and noted that people in these developments had decent vehicles, and that he found it appalling that they would not be included in the community because of a monetary consideration
- He noted that there were 6 units on Centre St. in Huntsville, and another unit on Veteran's Way, and that they were in good repair and that neighbours are happy
- Mayor Peake advised that she appreciated the concerns of neighbours, but that housing was needed, and read the following:

By-law 10-64 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (1818267 Ontario Inc. - Diasio)(4-1 & 6 North Road, & 2 Elizabeth St. & East Road, Baysville)(McLean).

**By-law 10-64 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(iii)(a):** By-law: **10-69**  
File: **Official Plan Amendment No. 10 (Menominee Lake Plan)**  
Type: Adoption of Official Plan Amendment  
Applicant: Menominee Lake Association  
Agent: Dorothy Johnstone, past president  
Ward: McLean Ward

- Ms Dorothy Johnstone, agent, was present to represent the application
- Mayor Peake read a prescribed statement, and Mr. Szczerbak advised how notice had been circulated of both this amendment as well as Official Plan Amendment No. 11 (Raven Lake Plan), and that a notice of complete application and open house dated Dec. 18, 2009 had been circulated to the public agencies as prescribed in the Planning Act

- He advised that a second notice of an open house was provided to the public and agencies, and was advertised in the Forester on June 30, 2010, and sent by mail to parties and agencies, as well as being posted on the Township website
- Mr. Szczerbak then presented the staff report respecting Official Plan Amendment No. 10, and proceeded to review the draft text of the amendment that was contained in the supplementary information package. He noted that the wording of the amendment did not promote cluster development, as the lake association had felt strongly about this
- Council commended the residents around the lake for having the vision to complete this process. Councillor Boivin noted that Menominee Lake was a subwatershed of the Muskoka River, and it was confirmed that all flow from Menominee Lake goes into Lake of Bays
- No one was present in the gallery who wished to speak to the application
- Ms Johnstone, agent, introduced the two new co-presidents of the Menominee Lake Association, and that they and others were present to support the application. She advised that they had not received any negative feedback

**Item 6(a)(iii)(b):** By-law: **10-70**  
File: **Official Plan Amendment No. 11 (Raven Lake Plan)**  
Type: Official Plan Amendment  
Applicant: Raven Lake Association  
Agent: Harry Wilson  
Ward: Ridout Ward

- As part of Item 6(a)(iii)(a), Mr. Szczerbak then reviewed the draft text of OPA 11 (Raven Lake Plan)
- Mayor Peake asked for a summary of any written submissions received pertaining to both Item 6(a)(iii)(a) & (b). Mr. Szczerbak advised that none had been received
- Mr. Harry Wilson, agent, was present to represent the application. He spoke eloquently of the process and thanked Council and planning staff for their support of lake plans and encouraged other lake associations to go through the same process
- Mayor Peake read the following:

**Resolution 6(a)(iii)(a)/07/20/10**

**Councillor Casey and Councillor Ross**

**That Amendment No. 10 (Menominee Lake Plan) to the Township Official Plan of the Township of Lake of Bays, as amended, be adopted by Council and submitted to the District Municipality of Muskoka for approval.**

**And Further that should minor modifications to the text and/or format of the wording associated with Official Plan Amendment be suggested by staff at the District of Muskoka, that staff be empowered to respond to these changes.**

**Carried.**

**Resolution 6(a)(iii)(b)/07/20/10**

**Councillor Casey and Councillor Ross**

**That Amendment No. 11 (Raven Lake Plan) to the Township Official Plan of the Township of Lake of Bays, as amended, be adopted by Council and submitted to the District Municipality of Muskoka for approval.**

**And Further that should minor modifications to the text and/or format of the wording associated with Official Plan Amendment be suggested by staff at the District of Muskoka, that staff be empowered to respond to these changes.**

**Carried.**

By-law 10-69 being a by-law to adopt Amendment No. 10 to the Official Plan of the Township of Lake of Bays (Menominee Lake Plan).

**By-law 10-69 was read a first, second and third time and finally passed.**

**Carried.**

By-law 10-70 being a by-law to adopt Amendment No. 11 to the Official Plan of the Township of Lake of Bays (Raven Lake Plan).

**By-law 10-70 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(ii)(e):** File: **DP 59/10 LOB (Book)**  
Applicants: John & Christine Book  
Civic Address: 1004 Shaw's Road  
Lot/Con: L 21, Con. 4, Franklin, on Peninsula Lake  
Roll No.: 010-006-03100

- John & Christine Book, applicants, were present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of this application
- Councillor Casey asked where the shoreline activity area would be, noting that the boathouse and dock would be a main one. Mr. Szczerbak advised that re-plantings would be fronting the dwelling to close in the open areas in accordance with the Development Permit by-law
- Councillor Boivin asked about the status of the Original Shore Road Allowance. Mrs. Stronks advised that it was closed
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(e)/07/20/10**

**Councillor Burgess and Councillor Boivin**

**WHEREAS** the applicants have submitted Development Permit Application DP 59/10 LOB (Book) for a Category 2 Development Permit from By-law 04-180, specifically, Section 5.1.1(i) (Maximum Lot Coverage), increase from a permitted 10% to 11.2%, in order to accommodate the construction of an addition onto the existing dwelling, located in Pt. Lot 21, Conc. 4, Franklin Ward, on Peninsula Lake (Book) (1004 Shaw's Road) (Franklin) (010-006-03100);

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

**AND WHEREAS** this is the full resolution of application DP 59/10 LOB;

**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: June 22<sup>nd</sup>, 2010 and marked: DP 59/10 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 maintained. 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.**

- Councillor Casey asked if Mr. Szczerbak had had discussions with the applicants respecting the planting of vegetation. Mr. Szczerbak proceeded

to describe the process and that a planting plan would be required prior to a Development Permit being issued. He advised that if the plantings were done soon, then a security deposit would not be required, otherwise one would be required

**Item 6(a)(i)(f):** By-law: **10-65**  
File: **Z 20/10 LOB (Pillwein)**  
Type: Amendment to By-law 04-180  
Applicant: Peter Pillwein  
Civic Address: 1166 North Ril Lake Road  
Lot/Con/Ward: L 24, C 8, Ridout Ward, on Ril Lake  
Roll Nos.: 030-005-04200

- Mr. Peter Pillwein, applicant, was present to represent the application
- Mr. Szczerbak presented the staff report and noted that a provision of the by-law was that a Development Permit was required in order to ensure that plantings would occur such that vegetation was planted to be in keeping with the Development Permit By-law
- Councillor Casey encouraged Mr. Pillwein to contact Ms Casey Cook in this regard, as she was a steward on Ril Lake and had a lot of valuable material and information respecting shoreline restoration and planting of buffers
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-65 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Pillwein)(1166 North Ril Lake Road)(Ridout).

**By-law 10-65 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(i)(h):** By-law: **10-67**  
File: **Z 23/10 LOB (822562 Ontario Ltd. – Lake of Bays Brewing Co.)**  
Type: Amendment to By-law 04-181  
Applicant: 822562 Ontario Ltd. (Lake of Bays Brewing Co. – Smith)  
Agent: Wayne Simpson & Associates  
Civic Address: 2681 Muskoka Road 117, Baysville  
Lot/Con/Ward: L 16, C 7, McLean Ward  
Roll Nos.: 040-008-00400

- Mr. Ian Smith, applicant, and Mr. Lanny Dennis, agent, were present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application
- Councillor Boivin asked if there were any restrictions in terms of setbacks to address a possible explosion of the grain silo due to the build up of gases. Mayor Peake noted that the review by the building department would address this
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-67 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (822562 Ontario Ltd. – Lake of Bays Brewing Co.)(2681 Muskoka Road 117, Baysville)(McLean).

**By-law 10-67 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(i)(b):** By-law: **10-58**  
File: **Z 15/10 LOB (Thorley)**  
Type: Amendment to By-law 04-180  
Applicant: Michael Thorley  
Agent: Wayne Simpson & Associates  
Civic Address: 179 Grassmere Lane  
Lot/Con/Ward: L 25, C 2, Sinclair Ward, on Peninsula Lake  
Roll Nos.: 020-002-01700, 02000 & 09000

- Mr. Lanny Dennis of Wayne Simpson & Associates, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff were satisfied that the criteria of the Coast Guard respecting the proposed additional projection of the boathouse was addressed, and therefore had no concerns with the approval of the application, and that that this would fulfill a condition of consent application **B 18/09 LOB**
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-58 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Thorley)(179 Grassmere Lane)(Sinclair).

**By-law 10-58 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(ii)(b):** File: **DP 41/10 LOB (Kay)**  
Applicant: James Kay  
Agent: Bruce Fitter of South Mary Lake Contracting  
Civic Address: 1168-1 Glenmount Road  
Lot/Con: L 27, Con. 13, Ridout, on Lake of Bays  
Roll No.: 030-012-04300

- Mr. Bruce Fitter, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with approval of the application subject to the recommended conditions, and noted that a planting plan would be required
- Councillor Casey was assured by Mr. Fitter that there would not be a walkout basement, as excavating for a basement would disturb roots and they were trying to maintain existing trees. He also noted that no trees were being removed in the front or side areas, although five larger trees would need to be removed for the proposed garage

- Councillor Boivin asked what the lot coverage of the proposal was. Mr. Szczerbak advised that relief had not been provided as the proposal did not exceed the amount permitted
- Councillor Casey reinforced the need to keep vegetation along shorelines, and noted the lack of understorey along this shoreline which would have a greater ability to slow down stormwater and water flow. Respecting the garage she noted that it appeared that it would cut into the bank and wondered if blasting would be necessary. Mr. Fitter advised that they had dug a hole and it is overburden, but that if during excavation they found bedrock, the third bay of the garage would not be built in order to avoid blasting
- Council encouraged Mr. Fitter to advise his client to use muted colours as they stood out far less than white or similar light colours. Mr. Fitter concurred but noted that the existing boathouse which had recently been replaced already had the colour scheme, and that he would be leading council astray if he advised it would be different than this
- Mr. Brian Simpson, representative for the Lake of Bays Strategic Initiatives Committee, asked what the gross floor area of the proposed dwelling would be. Mr. Fitter replied that it would be approximately 5100 sq ft without porches
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(b)/07/20/10**

**Councillor Casey and Councillor Ross**

**WHEREAS the applicant has submitted Development Permit Application DP 41/10 LOB (Kay) in order to seek relief from:**

- a) Section 5.1.1 (d) (Minimum Shoreline Yard Setback), decrease from a required 20 metres (65.6 ft) to 15.8 metres (52 ft);**

**of Development Permit By-law 04-180, in order to demolish the existing dwelling and construct a new dwelling of 4978 ft<sup>2</sup> (inclusive of an attached garage), located in Pt. Lot 27, Conc. 13, Ridout Ward, on Lake of Bays (Kay) (1168 Glenmount Road) (Ridout) (030-012-04300);**

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

**AND WHEREAS this is the full resolution of application DP 41/10 LOB;**

**NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays PROVISIONALLY APPROVES this application pending the receipt and approval of, to the satisfaction of the Township:**

- (i) receipt and approval, of a septic evaluation report that clearly demonstrates that the subject lands can accommodate any applicable changes to the existing filter bed in accordance with Section C.48 of the Township Official Plan; and**

(ii) receipt of a planting plan in accordance with Section H.23 of the Official Plan which will re-vegetate that portion of the shoreline in front of the proposed dwelling.

Upon receipt and approval of the required items, then the criteria as outlined in Schedule C of the Development Permit By-law would thereby be fulfilled, and Council would hereby APPROVE the subject proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: May 10<sup>th</sup>, 2010 and marked: DP 41/10 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;
5. That a shoreline buffer shall be maintained. 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.**

**Item 6(a)(ii)(a):** File: **DP 40/10 LOB (Shaw)**  
Applicants: Stephen Shaw & Nicole Alexander  
Agent: Bruce Fitter of South Mary Lake Contracting  
Civic Address: 1241 Port Cunnington Road  
Lot/Con: L 19, Con. 7, Franklin, on Lake of Bays  
Roll No.: 010-014-05900

- Mr. Bruce Fitter, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with approval of the application subject to the recommended conditions, and noted that existing vegetation was to remain and that no plantings were required
- Councillor Boivin inquired as to the status of the Original Shore Road Allowance. Mr. Fittre advised that it was closed

- Mr. Fitter noted that there was extensive vegetation along the shoreline with just a small walkway down to the lake. Councillor Casey noted the lack of an understory and encouraged Mr. Fitter to advise his clients of the importance of this
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(a)/07/20/10**

**Councillor Ross and Councillor Casey**

**WHEREAS** the applicants have submitted Development Permit Application DP 40/10 LOB (Shaw) for a Category 2 Development Permit from By-law 04-180, specifically, Section 5.1.1(d) (Minimum Shoreline Yard Setback), decrease from a required 20 metres (65.6 ft) to 13.5 metres (44.4 feet), in order to accommodate the construction of a new single family dwelling of 2675 ft<sup>2</sup>, as well as to site the location of a future dock and detached garage, located in Pt. Lot 19, Conc. 7, Franklin Ward, on Lake of Bays (Shaw) (1241 Port Cunnington Road) (Franklin) (010-014-05900);

**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 the Lake of Bays considers the notice of this application to be sufficient;

**AND WHEREAS** this is the full resolution of application DP 40/10 LOB;

**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: May 10<sup>th</sup>, 2010 and marked: DP 40/10 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;**
5. **That a shoreline buffer shall be maintained. 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.**

**Item 6(a)(ii)(c):** File: **DP 45/10 LOB (Brown)**  
Applicant: Eleanor Brown  
Civic Address: 1007 McCabe Road  
Lot/Con: L 4, Con. 8, McLean, on Echo Lake  
Roll No.: 040-005-04400

- Ms. Eleanor Brown, applicant, and accompanied by Mr. Armin Hachmer, were present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application subject to the recommended conditions, and noted that the existing vegetation was to remain and that no plantings were required
- **There were no questions or comments from Council**
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(c)/07/20/10**

**Councillor Burgess and Councillor Cote**

**WHEREAS the applicant has submitted Development Permit Application DP 45/10 LOB (Brown) for a Category 2 Development Permit from By-law 04-180, specifically, Section 5.1.1(f) (Minimum Interior Side Yard - northeasterly), decrease from a required setback of 4.5 metres (14.7 feet) to 2.1 metres (7 feet) and Section 5.1.1(i)(Maximum Lot Coverage), increase from a permitted 10% to 10.2% in order to accommodate the construction of an addition onto an existing dwelling, located in Pt. Lot 4, Conc. 8, McLean Ward, on Echo Lake (Brown) (1007 McCabe Road) (McLean) (040-005-04400);**

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

**AND WHEREAS this is the full resolution of application DP 45/10 LOB;**

**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: May 31<sup>st</sup>, 2010 and marked: DP 45/10 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 maintained. 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.**

**Item 6(a)(i)(g):** By-law: 10-66  
File: Z 22/10 LOB (Sibbald)  
Type: Amendment to By-law 04-180  
Applicant: Connie Sibbald  
Agent: Thomas J. Stead Construction  
Civic Address: 1215 Delbrooke Road  
Lot/Con/Ward: L 3, C 14, Ridout Ward  
Roll No.: 010-021-00600

- Mr. Tom Stead, 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 subject to the recommended conditions
- There were no questions or comments from Council
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-66 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Sibbald)(1215 Delbrooke Road)(Ridout).

**By-law 10-66 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(i)(a):** By-law: **10-48**  
File: **Z 12/10 LOB (Smith)**  
Type: Amendment to By-law 04-180  
Applicant: Derek & Joanne Smith  
Agent: Carl Godfrey of Portico Design  
Civic Address: 1022 Cliffdene Road  
Lot/Con/Ward: L 33, C 7, Ridout  
Roll No.: 030-014-03400

- No one was present to represent the application
- Mr. Szczerbak presented the staff report and had no concerns with the request to defer the application
- There were no questions or comments from Council
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(i)(a)/07/20/10**

**Councillor Cote and Councillor Burgess**

**BE IT RESOLVED THAT in the matter of by-law amendment application Z 12/10 LOB (Smith), for a site specific by-law amendment to permit the re-development of the subject lands with a new two-storey dwelling with attached deck, be DEFERRED at the request of the applicants to permit them with additional time to consider their options.**

**Carried.**

**Item 6(a)(i)(c):** By-law: **10-60**  
File: **Z 19/10 LOB (Meek)**  
Type: Amendment to By-law 04-181  
Applicants: John & Kathleen Meek  
Civic Address: 1 North Road, Baysville  
Lot/Con/Ward: L 16, C 7, McLean Ward, on the South Branch of the Muskoka River  
Roll No.: 040-001-08300

- No one was present to represent the application
- Mr. Szczerbak presented the staff report and recommended that third reading of the by-law be given, as the applicants had now entered into a site plan agreement, as was required when the by-law was given two readings at the meeting of June 8, 2010
- There were no questions or comments from Council
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-60 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Meek)(1 North Road, Baysville)(McLean).

**By-law 10-60 was read a third time and finally passed.**

**Carried.**

**Item 6(a)(i)(d):** By-law: **10-14**  
Files: **Z 41/09 LOB (Boothby)**  
Type: Amendment to By-law 04-181  
Applicant: Dan Boothby  
Civic Address: not assigned - vacant  
Lot/Con/Ward: L 6, C 9, Franklin Ward  
Roll No.: 010-011-07605

- 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 as it would fulfill a condition of consent applications **B 18, 19 & 20/10 LOB**, which staff had been supportive of. He noted that there had been a small change in the by-law that was in the agenda package, respecting the front lot line of **B 18/10 LOB** being the road allowance instead of the right-of-way
- There were no questions or comments from Council
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-14 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Boothby)(Vacant – no address assigned) (Franklin).

**By-law 10-14 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(i)(i):** By-laws: **10-68**  
Files: **C 05/10 LOB (Clark)**  
Type: Section 51(26) Agreement  
Applicant: William & Barbara Clark  
Agent: Marie Poirier Planning & Associates  
Civic Address: 22144-1 Hwy 35  
Lot/Con/Ward: L 25, C A, Ridout Ward  
Roll Nos.: 030-003-11701

- 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 as it would fulfill a condition of consent applications **B 07 & 08/10 LOB**, which staff had been supportive of
- There were no questions or comments from Council
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-68 being a by-law to authorize the Mayor and Clerk to sign documents with respect to a Section 51(26) Agreement between William &

Barbara Clark and the Corporation of the Township of Lake of Bays (Clark)(22144-1 Hwy 35)(Ridout).

**By-law 10-68 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(ii)(d):** File: **DP 46/10 LOB (Pitman)**  
Applicant: Ross Pitman  
Civic Address: 21422-2 Hwy 35  
Lot/Con: L 19, Con. A, Ridout, on Raven Lake  
Roll No.: 030-003-06200

- 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 subject to the recommended conditions
- Councillor Boivin inquired as to the status of the OSRA. Councillor Ross advised she thought it was closed
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(d)/07/20/10**

**Councillor Boivin and Councillor Burgess**

**WHEREAS the applicant has submitted Development Permit Application DP 46/10 LOB (Pitman) for a Category 2 Development Permit from By-law 04-180, specifically, Section 5.1.1(d) (Minimum Shoreline Yard Setback), decrease from a required 30 metres (98.4 ft) to 18.3 metres (60 ft) in order to accommodate the re-construction of the eastern half of the existing dwelling together with its expansion by 4 feet in both an easterly and southerly direction, located in Pt. Lot 19, Conc. A, Ridout Ward, on Raven Lake (Pitman) (21422 Highway No. 35, Unit #2) (Ridout) (030-003-06200);**

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

**AND WHEREAS this is the full resolution of application DP 46/10 LOB;**

**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: June 7<sup>th</sup>, 2010 and marked: DP 46/10 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 maintained. 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.**

**Item 6(a)(iii)(c):** Report: **Development Permit By-law 04-180 Update Re. Shoreline Activity Areas on Lots with Large Frontages & Maximum Boathouse Floor Area** – proposed public meeting date of August 16<sup>th</sup>, 2010

- Mr. Szczerbak advised that the report was for Council’s review, and that the proposed meeting date was August 16, not October 16 as noted in the agenda, at 6:30 pm

**Item 6(a)(iii)(d):** Report & **Preliminary Design for Proposed Highway 60 Reconstruction**  
Resolution:

- Mr. Szczerbak presented the staff report
- Mayor Peake asked him to speak to 3(a), and that she wanted to see the term “or changed” in addition to “significantly impacted”
- Mayor Peake read the following:

**Resolution 6(a)(iii)(d)/07/20/10**

**Councillor Burgess and Councillor Boivin**

**NOW BE IT RESOLVED THAT the Council for the Corporation of the Township of Lake of Bays hereby directs staff to submit correspondence to the Ministry of Transportation and their Consultants, as detailed in the staff report dated July 20<sup>th</sup>, 2010 concerning Highway No. 60 Reconstruction Preliminary Design Proposal for the portions of the Highway located between Highway No. 11 to Highway No. 35.**

**Carried.**

**Mr. Brian Simpson:**

- Mr. Brian Simpson asked if he could address some points of the meeting. Council concurred.
- He referred to the latest Update to the Development Permit By-law, and asked why the discrepancy between commercial properties using gross floor area to determine development, as opposed to residential properties which currently uses footprint only, had not been included. Mayor Peake acknowledged this and that it had been Council's thought that this was a large issue that would best be left for the next Council, and that there had not been much advance notice for individuals or agencies to comment on
- Mr. Simpson then referred to the proposed preliminary design of Hwy 60 proposal, and stated his surprise that no Dwight business owners had been present at this meeting, given the impact this could potentially have on them. He wondered if an assessment has been done in similar situations where a third lane for turning was installed. Mr. Szczerbak advised that he thought it was unique in Dwight as the speed limit slows to 60 km/h, and noted that one of his recommendations was to expand the 60 km/h to the junction of Hwy 35
- Councillor Casey referred to recommendation 3(c) of this item, which referred to promoting Active Transportation, and noted that it was contrary to having a centre turning lane, as she did not think that this area could accommodate both given the lack of space. She stated her preference for a pedestrian walkway if both could not be accommodated. She also thought that the engineers for the Ministry of Transportation needed to be pushed in order to be more creative when dealing with working in communities and active transportation considerations. She noted the comment that Hwy 35 would never be a main trucking route, and that Council should put more emphasis and promotion of Hwy 60 to not be a trucking route, as additional traffic on Hwy 60 would increase pressure on Algonquin Park.
- Mayor Peake asked Council if they wished to see any changes to Hwy 60 staff report based on the comments that had arisen. Councillor Casey advised that she would prefer to see 3(c) be given higher ranking than 3(a), and that 3(c) contain stronger wording **re. See SS**
- Mr. Simpson complimented Council on their emphasis on shoreline re-vegetation which seemed to be very prevalent at this meeting respecting certain applications

**7. CLOSED SESSION**

**Resolution 7(a)/07/20/10**

**Councillor Burgess and Councillor Cote**

**BE IT RESOLVED THAT in accordance with Section 239, (1), (2), (3) and (3.1) of the Municipal Act, c.25, S.O. 2001, as amended, the Council for the Corporation of the Township of Lake of Bays will convene in Closed Session at 12:57 pm for discussion regarding:**

- a) **litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**
  - i) **Discussion re. Appeal to the Ontario Municipal Board of a Decision Respecting a Planning Application(s)**

**Carried.**

**Resolution 7(b)/01/19/10**

**Councillor Boivin and Councillor Burgess**

**Be it resolved that Council reconvene in Open Session at 1:07 pm and report on matters discussed in Closed Session.**

**Carried.**

**8. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**9. CONFIRMING BY-LAW**

By-law 10-71, being a by-law to confirm the proceedings of the meeting of Council held on July 20<sup>th</sup>, 2010.

**By-law 10-71 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/07/20/10**

**Councillor Boivin and Councillor Casey**

**NOW THEREFORE BE IT RESOLVED THAT the Council (*Planning Matters Only*) of the Corporation of the Township of Lake of Bays adjourns at 1:08 pm to meet again on August 17<sup>th</sup>, 2010, immediately following the Committee of Adjustment meeting held at 9:00 a.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.**

**Carried.**

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Mayor

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Deputy Clerk