



## COMMITTEE OF ADJUSTMENT

The Corporation of the Township of Lake of Bays

### MINUTES

January 19<sup>th</sup>, 2010  
9:00 a.m.

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#### ATTENDANCE:

##### Members Present:

Janet Peake, Chairperson  
Margaret Casey  
Ben Boivin  
Nancy Tapley  
Virginia (Ginny) Burgess  
Ruth Ross  
Philip Cote

##### Staff Present:

Stefan Szczerbak, Township Planner  
Kelly Stronks, Secretary-Treasurer

#### 1. MEETING CALLED TO ORDER

The meeting was called to order on Tuesday, January 19<sup>th</sup>, 2010, at 9:13 a.m., in the Council Chambers at the Township of Lake of Bays Municipal Office in Dwight, Ontario by Chairperson Janet Peake, to hear all the applications before the Committee of Adjustment dealing with Minor Variances and Consents under the authority of the provisions of the Planning Act and the delegation authority of the District Municipality of Muskoka. All applications to be considered have been circulated in accordance with the Planning Act and the regulations pertaining to Minor Variances, to Consent procedures, and in accordance with the provisions of the District Municipality of Muskoka Act, the District Official Plan and the Township of Lake of Bays Official Plan.

#### 2. APPROVAL OF AGENDA

##### MOTION:

**MOVED BY:**

**Ben Boivin**

**SECONDED BY:**

**Philip Cote**

The Committee hereby approves the Agenda of the Committee of Adjustment for the Township of Lake of Bays, for the meeting of January 19<sup>th</sup>, 2010, as circulated.

##### CARRIED.

##### MOTION:

**MOVED BY:**

**Margaret Casey**

**SECONDED BY:**

**Ruth Ross**



**Planning Department Submission – Stefan Szczerbak, Township Planner**

- He presented the staff report and advised that a report was forthcoming respecting the proximity of a sensitive land use (i.e. aggregate pit). He referenced the small northerly parcel of land that was proposed to merge with the subject lands in order to increase the water frontage so as to meet the by-law requirement, and reminded Committee that another reason for the previous deferral had been to get a clearer understanding from the applicant of how the parcels would merge. He advised that as staff were awaiting the outcome of this, he recommended a further deferral

**Committee Deliberations:**

- There were no questions or comments from Committee

**Ms. Sandi Allan, agent:**

- She advised that it was her understanding that the township's solicitor was to have already looked at the merging matter. She advised that her client agreed to the transfer of a square inch of property to "break" the previous severance. Mr. Szczerbak asked to which abutting lands the square inch would be transferred
- Councillor Boivin noted that the square often gets transferred to public land i.e. a road allowance. He asked if it could be transferred to private land. This was confirmed
- There was no one present in the gallery who wished to speak to the application
- Chairperson Peake read aloud the following resolution.

**MOTION**

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

**That a decision on application B 19/09 LOB be DEFERRED until the February 16<sup>th</sup>, 2010 meeting of the Committee in order to provide for the completion of an assessment in accordance with Section E.38 of the Township's Official Plan**

**CARRIED**

- ii) **B 20 & 21/09 LOB, Applicant: Lorraine Weatherell**  
Part Lots 6 & 7, Con. 11, Ridout Ward, 1037 Norton's Lane, on Paint Lake  
Roll No: 030-009-01600  
Agent: Lanny Dennis of Wayne Simpson & Associates

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

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

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

The purpose of consent application **B 20/09 LOB** is to sever the lands such that a new residential back lot is created as follows:

	Lot Area		Frontage on Bellwood Acres Road	
<b>Severed Lot</b>	12.8 ha	31.7 ac	597 m	1958 ft
<b>Retained Lot</b>	0.85 ha	2.1 ac	0 m	0 ft
<b>Total Property</b>	13.65 ha	33.8 ac	597 m	1958 ft

Consent application **B 21/09 LOB** proposes to sever a 435 m<sup>2</sup> (4690 ft<sup>2</sup>) parcel of land from the Weatherell property and merge it with the westerly benefiting property (Roll No. 030-009-01603) owned by Diane & Gary Thompson. The effect of this application is to ensure the structures on the Thompson's property meet the minimum required side yard setback and provide increased privacy between these lots.

**Planning Department Submission – Stefan Szczerbak, Township Planner**

- He advised that the agent had requested a deferral of application **B 20/09 LOB**, and advised that staff had no concerns with this. He proceeded to present the staff report and advised that staff had no concerns with the approval of application **B 21/09 LOB** subject to the recommended conditions

**Committee Deliberations:**

- Councillor Boivin asked about the status of the Original Shore Road Allowance (OSRA). He was advised that it was closed
- Councillor Ross asked for clarification of the ownership of the large backlot, and noted that the sketch stated it was Thompson. Mrs. Stronks clarified that it should state Weatherell

**Mr. Lanny Dennis, agent:**

- He stated his agreement with the staff report and requested a deferral of **B 20/09 LOB**
- Chairperson Peake read aloud the following resolutions:

**MOTION**

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

That application **B 20/09 LOB (Weatherell)** be **DEFERRED** until the February 16<sup>th</sup>, 2010 meeting of Committee in order to allow time for the application to be amended and re-circulated.

**CARRIED.**

**MOTION**

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

That application **B 21/09 LOB (Weatherell)** be **APPROVED**, subject to the following conditions:

- (1) Two copies of the reference plan of survey be provided, bearing the Land Registry Office registration numbers and signatures as evidence of deposit therein, and generally illustrating the same area and dimensions of the parcel(s), together with

any applicable rights-of-way to which this consent approval has been granted, pending approval from the Ministry of Natural Resources. Should said approval not be forthcoming, access shall be from the north across the retained lands.

- (2) The original Transfer / Deed of Land form, a duplicate original, and one photocopy for Township records be provided, for endorsement by the Secretary-Treasurer should all consent conditions be fulfilled within the one year time frame. In addition, said Transfer / Deed of Land form must include a Schedule, that includes the entire legal description of the parcel(s) in question.
- (3) That there be a written undertaking from the acting solicitor that the severed lot be joined in title to the abutting property to the west, under property roll no. 030-009-01603 (being Parts 1, 2 & 3 on Plan 35R-6960), being the benefiting lands. Subsection 50(3) of the Planning Act applies to any subsequent conveyance of a transaction involving the parcel of land that is the subject of this consent. As electronic registration is being used, this approval will involve a two-step process as follows:
  - (a) Creation of the new parcel for lot addition purposes whereupon it will obtain a new Property Identifier Number (PIN) from the Registry Office; and
  - (b) An Application to Consolidate the newly created lot with the benefiting lands. A copy of the draft Application to Consolidate and an undertaking by the acting solicitor to electronically register the application is to be provided. Once the consolidation has been registered, a copy is to be provided to the Secretary Treasurer.
- (4) Further to Condition 3, the following procedure shall occur for the joining in title of the lands to be benefited by the lot addition (which were the subject of previous consent application B/ 270/80/LB, and which are identified as roll no. 030-009-01603, being Parts 1, 2 & 3 on Plan 35R-6960) with the lands that are the subject of this consent application:
  - (a) That prior to registration of the deed conveying the severed lands to the benefiting lands, there shall be a conveyance from the benefiting lands to the lands adjoining to the north and west (property of Lorraine Weatherell, Part Lot 7, Conc. 11, being under property roll no. 030-009-01600) of a one inch square parcel of land;
  - (b) The aforesaid one inch square parcel of land shall be endorsed with the consent of the Committee of Adjustment, quoting application number "B 21/09 LOB", which consent is hereby granted;
  - (c) Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the one inch square parcel of land that is the subject of consent B 21/08 LOB;
  - (d) There shall be a written undertaking from the acting solicitor that the one inch square parcel of land shall be joined in title to the adjoining parcel of land under property roll no. 030-009-01600.

**CARRIED.**

**9. DEFERRED MATTERS**

**Minor Variances:**

NIL

**Consents:**

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

**10. CLOSED SESSION**

NIL

**11. BUSINESS ARISING FROM CLOSED SESSION**

NIL

**12. OTHER MATTERS**

NIL

**13. ADJOURNMENT**

The meeting was adjourned at 9:30 a.m.

**MOTION**

**MOVED BY: Margaret Casey**

**SECONDED BY: Ruth Ross**

The Committee of Adjustment hereby adjourns the meeting of January 19<sup>th</sup>, 2010.

**CARRIED.**

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CHAIRPERSON

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SECRETARY-TREASURER