

	Water frontage on Lake of Bays		Lot Area	
Severed Lot	73 m	240 ft	0.45 ha	1.1 ac
Retained Lot	134 m	440 ft	0.72 ha	1.8 ac
Total Property	207 m	680 ft	1.17 ha	2.9 ac

The severed lands would be accessed by way of a proposed right-of-way across the retained lands from Deepwater Road which is an unassumed Township road that is privately maintained.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that Type 1 fish habitat was present fronting the severed lot, and that a fish habitat impact assessment by Michalski Nielsen and Associates Limited had been submitted with the application to address this habitat. He noted that the report recommended a shoreline yard setback of 25 metres, while the required setback from Type 1 fish habitat was 30 metres. He advised that the staff report had recommended deferral of the application pending a peer review of the report to address the recommended reduction of the water setback from to 25 metres, but that further conversation with the agent has resulted in no reduction in the required 30 metre setback being requested
- He advised that staff were satisfied that the Section 51(26) agreement being recommended as a condition would address development of the severed lot, and therefore staff had no concerns with the approval of the application

Committee Deliberations:

- Councillor Boivin referred to the written comments that had been received from Mr. and Mrs. Thompson regarding the location of a future septic envelope, and wished to confirm that there would be room for this on the severed lot. Mr. Szczerbak confirmed this, but that there were guidelines in place should a reduction in one of the required setbacks be necessary
- Councillor Casey also referred to the concerns of the Thompsons', and that should a future owner of the severed lot decide they wish to seek a variance in the side yard setback in order to accommodate development, then the Thompsons' would have no appeal rights at that time under the Development Permit by-law. Mr. Szczerbak stated that this would depend on the severity of the reduction requested. She then noted that the location of the Type 2 habitat would ensure that any shoreline structures would be located well away from the shared property line with the Thompsons', but also noted that the shoreline frontage was on a diagonal and therefore there was not as much area in which to develop
- Councillor Tapley wondered about no appeal rights being available for the neighbour for future variances. Mr. Szczerbak advised that if it was a Category 2 Council variation, there would be no appeal rights

Ms Marie Poirier, agent:

- Ms Poirier stated that the application complied with the by-law, and was exceeding by 25% the required shoreline frontage in order to address the Type 1 fish habitat present. She advised that there was ample room on the lot for development, and that she had not seen the final conditions recommended for the provisional decision, but in terms of the right-of-way enlargement, she stated that she had no concerns with this, and assumed that the remainder of conditions would reflect what had already been discussed with staff
- Chairperson Peake read aloud the following resolution. Prior to a vote being taken, Mr. Szczerbak asked Chairperson Peake to ensure that Ms Poirier agreed with the conditions. Ms Poirier advised she agreed. He also advised that a by-law amendment had not been

required in this instance as it was assumed that all the provisions of the by-law would be met

MOTION

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

That application B 17/10 LOB (Estate of Gilroy) be **APPROVED**, subject to the following conditions:

- (1) That the approved severance sketch be amended to expand the proposed right-of-way to the east to incorporate portions of the existing driveway.
- (2) 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), together with any applicable easements, to which this consent approval has been granted.
- (3) That a “Transfer in Preparation”, or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.
- (4) That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and this Agreement be registered on the title of the severed lot. The Agreement shall state that a Development Permit is required prior to any development including site alteration and vegetation removal or the issuance of a building permit on the subject lands. The agreement shall contain wording to ensure the lands are developed in accordance with the findings of the fish habitat impact assessment by Michalski Nielsen Associates Limited dated May 7, 2010, except for the suggested reduction to the 30 metre shoreline yard setback. In addition the Development Permit will identify appropriate building and septic envelope(s) on the lands, prepared by a qualified individual, to verify the amount of site alteration and/or vegetation removal and identify necessary mitigation measures, if required.
- (5) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays as per By-law 00-04.
- (6) That all outstanding balances 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 provide create a new residential building lot together with an easement for a 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.

- i) **B 05/10 LOB, Applicants: James & Janet Caskey**
Part Lot 28, Con. A, Ridout Ward, on Lake of Bays, 1162 Main St., Dorset
Roll No: 030-008-05201
Agent: Marie Poirier Planning & Associates

Present: Ms Marie Poirier, agent, was present to represent the application.

No Persons in Attendance in Favour of Amended Condition of Provisional Decision
No Persons in Attendance Opposed to Amended Condition of Provisional Decision

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff recommended that the Provisional Decision be amended to include the condition respecting a Section 51(26) agreement, as it had inadvertently not been included in the original Provisional Decision

Committee Deliberations:

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

MOTION

MOVED BY: Margaret Casey

SECONDED BY: Ruth Ross

That the Provisional Decision for application B 05/10 LOB (Caskey) dated March 16th, 2010, be amended to include the following condition inserted after Condition No. 7:

- “(8) That the Applicant enter into an Agreement with the Township of Lake of Bays pursuant to Section 51(26) of the Planning Act and this Agreement be registered on the title of the severed and benefiting lands. The Agreement shall state that a Site Plan Agreement is required prior to any development, site alteration, vegetation removal, or the issuance of a building permit on said lands. Said site plan agreement is to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, as well as to ensure that Sections E.2 – E.5 are considered.”

And further, that written notice of this change be given in accordance with Section 53(24) of the Planning Act.

REASONS:

1. Staff recommended in their report dated March 16th, 2010 that this condition be included in the approval of this application, however it inadvertently was not included in the provisional decision. Accordingly, inclusion of this condition will serve to implement the planning recommendations for this application.

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.

9. DEFERRED MATTERS

Minor Variances:

NIL

Consents:

- i) **B 11/09 LOB, Applicants: 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 July 20th, 2010 from the meetings of Aug. 25th, Sept. 22nd & Nov. 24th, 2009, and May 18th, 2010
- ii) **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. 17th, 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: Ben Boivin
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 9:40 a.m.

MOTION

MOVED BY: Nancy Tapley
SECONDED BY: Ruth Ross

The Committee of Adjustment hereby adjourns the meeting of June 8th, 2010.

CARRIED.

CHAIRPERSON

SECRETARY-TREASURER

DRAFT