



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**  
**June 8<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 9:10 a.m., on June 8<sup>th</sup>, 2010 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

**Attendance:**

**Mayor:** Janet Peake

**Councillors:** Margaret Casey (District – Ridout & McLean)  
Nancy Tapley (Franklin)  
Ruth Ross (Ridout)  
Ben Boivin (District – Franklin/Sinclair/Finlayson)  
Virginia (Ginny) Burgess (Sinclair/Finlayson)  
Philip Cote (McLean)

**Planner:** Stefan Szczerbak  
**Deputy Clerk:** Kelly Stronks

**1. MEETING CALLED TO ORDER**

The meeting was called to order at 9:55 a.m., on June 8<sup>th</sup>, 2010, by Mayor Peake.

**2. APPROVAL OF AGENDA**

A supplementary information package was provided to each Council member.

**Resolution 2(a)/06/08/10**

**Councillor Ross and Councillor Tapley**

**Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated June 8<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 – May 18<sup>th</sup>, 2010

**Resolution 5(a)(i)/06/08/10**

**Councillor Boivin and Councillor Cote**

**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 May 18<sup>th</sup>, 2010, as circulated.**

**Carried.**

(b) **To Be Received**

- (i) Committee of Adjustment Meeting Minutes – May 18<sup>th</sup>, 2010

**Resolution 5(b)(i)/06/08/10**

**Councillor Burgess and Councillor Cote**

**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 May 18<sup>th</sup>, 2010.**

**Carried.**

## 4. DEPUTATIONS / DELEGATIONS

- (a) **Mr. Rob Milligan**, Chair, Muskoka Watershed Council, and Ms Judi Brouse, Director of Watershed Programs, Muskoka Watershed Council  
- presentation of 2010 Muskoka Watershed report card

- Ms Judi Brouse distributed to each Councillor a copy of the report card, as well as subwatershed maps
- Mr. Milligan proceeded to present a PowerPoint presentation which highlighted aspects of the report card. He summarized that the Lake of Bays subwatershed received an “above standard” grade in terms of both water and land indicators
- It was noted that the Watershed Council had arranged for very good, internationally renowned speakers at the recent Environmental Summit that had been held
- Mr. Milligan asked Ms Brouse to elaborate on calcium depletion. She advised that acid rain has resulted in a depletion of calcium, which in turn has affected animals such as crayfish which require calcium for their survival. People have observed that they have seen fewer crayfish. She noted that there are other

very small organisms that live in lakes that also require calcium, and as these organisms feed on algae in the lake, their depletion could result in more algal blooms in lakes. She stated that lack of calcium in the soil will also affect the growth of trees

- Councillor Casey advised that she was planning on attending as many lake association meetings as she could in order to distribute the report card and subwatershed report cards

## 6. REPORTS AND BY- LAWS

### (a) Planning

**Item 6(a)(i)(a):** 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

- There was no discussion on this matter and it was further deferred pending additional information from the applicant's agent

**Item 6(a)(i)(d):** 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. Patrick Mason of Wayne Simpson & Associates, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that this application had been submitted to fulfill a condition of consent application **B 18/09 LOB**, and that staff recommended deferral of the application pending comments from the Coast Guard respecting a 2 metre extension out into the water than what is permitted in the Official Plan for the construction of a future boathouse
- Councillor Tapley Nancy noted that 50 ft was long for a boathouse
- Mr. Mason advised that they still had not received comments from the Coast Guard
- No one was present in the gallery who wished to speak to the application
- This matter was deferred pending comments from the Coast Guard

**Item 6(a)(i)(e):** By-law: **10-59**  
File: **Z 17/10 LOB (Hallman Lumber Limited)**  
Type: Amendment to By-law 04-180  
Applicant: Willard G. Hallman Lumber Limited  
Agent: Paul Hallman

Civic Address: 1080 Narrows Road  
Lot/Con/Ward: L 5, C 7, Ridout Ward  
Roll No.: 030-013-08900

- No one was present to represent the application
- Mr. Szczerbak presented the staff report and advised that this application had been submitted to fulfill a condition of consent application **B 03/10 LOB**, and that staff recommended approval of the application
- There were no questions or comments from Council

The following person from the gallery spoke:

**Ms Valerie Majzik, 1141 Narrows Road**

- She expressed concern about the owner's plans for the remainder of the property, and asked if Council was aware of any proposal for fractional development, additional cottage lots, etc. She also noted that Mr. Hallman had a new cottage on the waterfront
- Mr. Szczerbak advised that the property was zoned as waterfront residential to permit a single family dwelling, and the remainder of the property was zoned rural. Ms Majzik asked if the owner could build on the backlot and make more cottage lots. Mr. Szczerbak advised that the applicant would be entitled to development rights but would have to meet the by-law requirements
- Mayor Peake read the following:

By-law 10-59 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Hallman Lumber Ltd)(1080 Narrows Road)(Ridout).

**By-law 10-59 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(ii)(a):** File: **DP 30/10 LOB (Doyle)**  
Applicants: Joe & Pat Doyle  
Civic Address: 1256 Golf Course Road  
Lot/Con: L 25, Con. 14, Franklin, on Peninsula Lake  
Roll No.: 010-006-02007

- Joe & Pat Doyle, 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
- There were no questions or comments from Council members
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(a)/06/08/10**

**Councillor Burgess and Councillor Cote**

**WHEREAS** the applicants have submitted Development Permit application DP 30/10 LOB (Doyle) in order to erect a new pipe dock of 612 ft<sup>2</sup>, and that the area fronting these lands is located within a “Waterfront Environmental Protection Development Permit Area One (WEP1)” of Development Permit By-law 04-180, located in Pt. Lot 25, Conc. 14, Franklin Ward, on Peninsula Lake (Doyle) (1256 Golf Course Road) (Franklin) 010-006-02007);

**AND WHEREAS** Development Permit By-law 04-180 (Section 5.3.2), as amended by By-law Amendment No. 10-21, permits the construction of a “new” dock, a boathouse or a boat port within the “WEP1” area provided that 1it is associated with a new or existing dwelling in an abutting Residential development permit area provided that confirmation is received from the authority having jurisdiction prior to the issuance of a development permit;

**AND WHEREAS** provided the construction is consistent with the Department of Fisheries’ Operational Statement for Dock and Boathouse Construction, the Department of Fisheries and Oceans would have no objections to the construction of a pipe dock as identified on the attached schedule;

**AND WHEREAS** Section 2.21 requires that a discretionary use in all Development Permit areas (in this case a “WEP1”) be reviewed by the Council of the Corporation of the Township of Lake of Bays;

**AND WHEREAS** 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 30/10 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 D.6 of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the construction of pipe dock on this property in accordance with the sketch submitted with the application noted above, and directs staff to issue a Development Permit, subject to the conditions noted below, and subject to all other provisions of the Development Permit By-law:

1. That the work be carried out in accordance with plans submitted: May 7<sup>th</sup>, 2010 and marked DP 30/10 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)(ii)(c):** File: **DP 34/10 LOB (Murphy)**  
Applicants: Jim & Jean Murphy  
Civic Address: 1269 Dickie Lake Road West  
Lot/Con: L 13, Con. 6, McLean, on Dickie Lake  
Roll No.: 040-003-02400

- Mrs. Jean Murphy, applicant, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with the approval of the application subject to the recommended conditions
- Councillor Tapley questioned the rationale of including the area of the structures located on the adjacent lot that was also owned by the Murphy's in the lot coverage for the subject lot. Mr. Szczerbak explained that there was a provision in the new update to By-law 04-180 to recognize lots straddling or over lot lines, located on the Original Shore Road Allowance, etc. Councillor Tapley asked that if the second lot were to be developed, if the lot coverage for the second lot would incorporate the area of the encroaching structures, and if main lot would also have to have the coverage changed. Mr. Szczerbak confirmed this, and that there would be a schedule attached to the development permit that would have to change should the second lot be developed
- Councillor Burgess also asked for more clarification, and that this situation was not her understanding of what would happen when Council passed the update that addressed this. Mr. Szczerbak further explained, and also noted that other municipalities, such as the Town of Huntsville, also have a similar provision to recognize these situations
- Councillor Casey noted that if the Murphy's sold, they would likely have to move those structures over the lot line so that they were contained on the main lot, and that it made sense to recognize the coverage now
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

**Resolution 6(a)(ii)(c)/06/08/10**

**Councillor Tapley and Councillor Ross**

**WHEREAS** the applicants have submitted Development Permit Application DP 34/10 LOB (Murphy) 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 12.8%, in order to accommodate the proposed construction of a Muskoka Room and its associated deck onto a dwelling, located in Pt. Lot 13, Conc. 6, McLean Ward, on Dickie Lake (Murphy) (1269 Dickie Lake Road West) (McLean) (040-003-02400);

**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 34/10 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: April 29<sup>th</sup>, 2010 and marked: DP 34/10 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)(ii)(b):** File: **DP 33/10 LOB (Sandford Investment Corporation)**  
Applicant: Sandford Investment Corporation  
Agent: Gord Laxson of Parallax  
Civic Address: 1200-1 South Limberlost Road  
Lot/Con: L 4, Con. 3, Sinclair, on Solitaire Lake  
Roll No.: 020-004-03401

- Mr. Gord Laxson, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that staff had no concerns with 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:

**Resolution 6(a)(ii)(b)/06/08/10**

**Councillor Tapley and Councillor Ross**

**WHEREAS the applicant has submitted Development Permit Application DP 33/10 LOB (Sandford Investment Corporation) for a Category 2 Development Permit from By-law 04-180, specifically from:**

- i) Section 5.1.1(d) (Minimum Shoreline Yard Setback), reduce from a required 30 metres (98.4 ft) to 20 metres (65.6 ft); and**
- ii) Section 5.1.1(h) (Minimum Rear Yard Setback), decrease from a required 10 metres (32.8 ft) 7.6 metres (25 ft)**

**in order to accommodate the proposed construction of a detached garage of 952 ft<sup>2</sup>, located in Pt. Lot 4, Conc. 3, Sinclair Ward, on Solitaire Lake (Sandford Investment Corporation) (1200-1 South Limberlost Road) (Sinclair) (020-004-03401);**

**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 33/10 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 the plans submitted: April 28<sup>th</sup>, 2010 and marked: DP 33/10 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)(i)(f):** 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

- Mr. John Meek, applicant, was present to represent the application
- Mr. Szczerbak presented the staff report and recommended that only two readings of the by-law be given, with third reading being dependent upon the applicant entering into a site plan agreement with the Township in order to ensure the protection of the existing vegetation located at the front and sides of the proposed structure
- There were no questions or comments from Council
- Mr. Meek noted that the height of the garage was to be 12.7 ft, but that the draft by-law showed 3.2 metres. He asked if this could be changed to a height of 3.8 metres (12.7 ft) instead. Council concurred
- 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 first and second time, with the third reading contingent upon the applicant executing a site plan agreement to be registered against the title of the subject land.**

**Carried.**

**Item 6(a)(i)(c):** By-laws: **10-57 & 10-62**  
Files: **Z 14/10 LOB & Z 21/10 LOB (Weatherell)**

Type: Amendments to By-law 04-181 & 04-180  
Applicant: Lorraine Weatherell  
Agent: Wayne Simpson & Associates  
Civic Address: 1037 Norton's Lane  
Lot/Con/Ward: L 6 & 7, C 11, Ridout Ward, on Paint Lake  
Roll Nos.: 030-009-01600

- Mr. Patrick Mason of Wayne Simpson & Associates, agent, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that these applications had been submitted to fulfill a condition of consent application **B 20/09 LOB**, and that staff had no concerns with the approval of the applications
- Councillor Boivin asked what the logic was in placing the northerly edge of the property in the jurisdiction of the Development Permit by-law. Mr. Szczerbak advised that it was create a cleaner parcel of land with no split zoning and more control on vegetation removal to address steep slopes and deer wintering habitat
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-57 being a by-law to amend By-law 04-181 known as the Comprehensive Zoning By-law (Weatherell)(1037 Norton's Lane)(Ridout).

**By-law 10-57 was read a first, second and third time and finally passed.**

**Carried.**

By-law 10-62 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Weatherell)(1037 Norton's Lane)(Ridout).

**By-law 10-62 was read a first, second and third time and finally passed.**

**Carried.**

***Mr. Stephen Watson, Chief Building Official, attended respecting the following matter:***

**Item 6(a)(iii)(b):** Report: **Development Permit By-law 04-180 Update Re. Shoreline Activity Areas on Lots with Large Frontages & Maximum Boathouse Floor Area** – presented by Ms Samantha Hastings, Directory of Policy & Programs with the District of Muskoka

- Ms Hastings began by referring back to an earlier application and reminding Council that every time the by-law is amended, a new set of circumstances is created which may require the submission of applications for new variations. However, she indicated that the intent is that where amendments are made, that these amendments address the majority of situations, leaving the minority subject to applications for variations from the by-law.

- She proceeded to present the staff report with respect to two issues for Council to consider: 1) Shoreline Activity Areas on Lots with Large Frontages; and 2) Maximum Boathouse Floor Area
- She addressed the shoreline activity area on lots with large frontages, after which discussion ensued. Councillor Tapley stated that 10% of the shoreline activity area (SAA) for a notional lot made sense and that it be a staff variation (Option 2 in the staff report). Councillor Burgess and Councillor Boivin concurred.
- Ms Hastings drew Council's attention to a letter that had been received from Mr. Roger Beaman of Thomson Rogers on behalf a) Ian, Thomas & Roger Beaman; b) David Burgess; and c) the Loon Lake Hunting Club
- Ms Hastings presented the portion of the report that dealt with maximum boathouse floor area, and recommended that 1500 sq ft is a reasonable maximum foot print size based on a review of past applications
- Councillor Boivin asked for clarification regarding this, and Ms Hastings advised that 1500 sq ft would be strictly boathouse, and the remainder up to 2000 sq ft (where permitted) could be docking, but that this amount would be less if on a lot that had less than 300 ft of shoreline frontage
- Councillor Casey advised that she was not sure if every lot should be entitled to a 1500 sq ft boathouse, and that the scenario presented would be fine assuming a lot with 300 ft of shoreline, but if it was on a more typical smaller lot of 200 ft or less, then this seemed large. She asked whether a sliding scale had been considered
- Ms Hastings referred to the table she had posted on the bulletin board, which indicated approximate numbers, and which was as follows:

**SAA Coverage**

<b>Lot Frontage</b>	<b>By-law Today</b>	<b>By-law with Proposed Revisions</b>
100 ft	= 660 sq ft (total)	= 660 sq ft + 165 sq ft (per notional lot)
200 ft	= 1300 sq ft (total)	= 1300 sq ft + 330 sq ft (per notional lot)
300 ft +	= 2000 sq ft (total)	= 2000 sq ft + 500 sq ft (per notional lot)

\* intended meaning (Section 4.72)

- In order to address Councillor Casey's comment, Ms Hastings suggested using 75% of a shoreline activity area as a limit for determining the size of a boathouse
- Mayor Peake felt that this amount was getting closer to what the public have requested in order to avoid an urban landscape
- Councillor Casey advised that she would not want to see the percentage allowed for a notional lot to be added to the primary SAA in order that a landowner could have one large boathouse, and strongly felt that boathouse size needed to be capped at 1500 sq ft
- Ms Hastings noted that the official plan and by-law already do not permit notional lot areas to be added to the primary SAA, and that a site specific official plan amendment would be required to combine activity areas
- Councillor Tapley addressed Mr. Stephen Watson, Chief Building Official, suggesting that 30 ft x 50 ft seemed like a large boathouse and asked if this was a typical size. Mr. Watson advised that he would have to research this

to address her question. Mr. Szczerbak commented that Council often sees applications involving requests for 1500 sq ft to 1800 sq ft boathouses, and often involves 500 sq ft of docking as well

- Mayor Peake favoured Option 2 for shoreline activity areas and the 75% sliding scale for boathouses. Ms Hastings advised that if this was the case, then landowners with lots having smaller frontages (ie. 100 ft.) would not be able to build a viable boathouse as the permitted shoreline activity area coverage would only be 400 sq ft or so. Councillor Casey noted that they could still have a boatport, and that 100 ft lots are already existing, and that any boathouses that are being replaced on those lots have legal non-conforming status and therefore still able to replace an existing boathouse with the same size structure, and that she was not as concerned about smaller lots not being able to have a boathouse
- Councillor Tapley agreed that she was not as concerned with limited boathouses on smaller lots
- Councillor Tapley raised an additional matter which involved the gross floor area of dwellings, and that she wanted Council to look at this as she felt that large dwellings with multiple levels were becoming more and more of a problem. She noted that currently the by-law did not capture walk-out basements, and therefore dwellings are being built that result in a tower effect and the view from the lake looks like a three storey dwelling. She stated her desire to have this matter included in these discussions
- Mayor Peake asked how many applications have had this effect. Mr. Szczerbak advised that applications have related to footprint only, and that has been the guide when it comes to massing or faceprint, as there is nothing in the by-law that allows one to look at the length of a structure.
- Mr. Watson noted that Council had recently approved an amendment to the height provisions of the by-law that prohibited importing of fill, and this may alleviate some of the issues,
- Councillor Casey recommended that staff be asked to bring back a report as to the implications if the by-law was amended to switch from footprint to gross floor area, and that the Township of Muskoka Lakes had a similar provision
- Mayor Peake agreed with having more information before this matter was addressed by Council
- Mr. Szczerbak asked about budgeting for additional review related to this item, as well as Ms Hasting's availability. In addition, he referred to the proposed Planning Department work plan he had prepared and would be reviewing later in the meeting
- Mayor Peake advised Councillor Tapley that she was not precluding her suggestion, but that it instead be discussed in the context of the proposed work plan. She stated that she was looking to have a public meeting for the two items in the staff report. A date was not decided upon, but Mr. Szczerbak offered to send an email to Councillors to determine a suitable date
- Mayor Peake read the following resolution:

**Resolution 6(a)(iii)(b)/06/08/10**

**Councillor Boivin and Councillor Cote**

**NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby directs that a public meeting be held to obtain input on the draft amendments to Development Permit By-law 04-180 respecting:**

- 1) Shoreline Activity Areas on Lots with Large Frontages; and**
- 2) Maximum Boathouse Floor Area.**

**Carried.**

**Item 4(b):**

**Mr. Henry McClelland**, on behalf of the Friends of Norway Point Park re. By-law 08-10 (Parks By-law)

- Mr. McClelland advised that the Friends' mandate has been to keep Norway Point Park as a day use park, and to bring to the attention of the public what has been occurring there. He stated that By-law 08-10 protected public lands and that Norway Point Park should not be removed from it, and asked Council not to approve By-law 10-61, which would take away the distinction of Norway Point Park
- He noted that Mr. Burnham was to speak on behalf of the Water Access Cottager's Association, which was not a registered member of the Federation of Ontario Cottage Associations, nor was it incorporated
- He advised that the views of Mr. Farley, who is an adjacent property owner, have not been asked he was upset that he had not been made aware of the situation
- He stated that if the Township gets into the marina and parking business, it would open Pandora's box. He referred to Rabbit's Bay access point and thinks that when Council made a decision respecting this area they may not have been well informed, as Council had been advised there were no marinas in the area when in fact there were, and proceed to identify several
- Mayor Peake asked if the Friends were an incorporated group. Mr. McClelland advised they were not, that they were Friends only, not an association

**Item 4(c):**

**Mr. David Burnham**, on behalf of the Water Access Cottager's Association (WACA) re. Norway Point Park

- Mr. Burnham advised that he was a third generation Bigwin Island cottager. He stated that Mr. McClelland had issued two separate summons to a Bigwin Island cottager, one for parking and one for docking. He recounted various incidents that have occurred at the Norway Point Park, from vandalism of some vehicles last summer, to island cottagers feeling threatened and intimidated due to the presence of members of the Friends of Norway Point Park at the park
- He stated the concerns of WACA of private citizens taking matters into their own hands and who vandalize, issue threats, and intimidate. They feel that the Township has not protected them from this harassment, and had told him that this situation was not the Township's problem
- He advised that WACA would oppose a lottery for parking and docking spots if brought forward, and mentioned litigation if this were proposed. He advised that any fee structure should be similar to other municipalities for

similar services, and that the proposed fee structure is incomprehensible. He stated that a permit proposal was more appropriate, as would any decision based on the current by-law, and that changing by-law hours just provided more time in which Mr. McClelland could issue summonses

- He concluded that if Council adopted any of the three recommendations contained in the staff report, they would be irresponsible, as Council would then allow and endorse Mr. McClelland's and the Friends' activities
- He suggested a fourth option of adopting an "Interim Use Management Proposal" for Norway Point that WACA had drafted, as WACA felt that this was a good interim solution until this matter could be dealt with
- Councillor Tapley asked if WACA was made up of all water access and island landowners. Mr. Burnham advised that any were welcome to join
- Mr. Burnham provided Mr. Watson with a copy of the management proposal he had referred to

**Item 6(b):**      **Norway Point Park**

- Mr. Wilmon presented his staff report, and noted that the chronology did not itemize every incident that had occurred at Norway Point, that it was just to itemize things for Council. He outlined the three options contained in the report:
  1. Amend Parks By-law 08-10 to increase the allowable parking and docking time from 8 hours to 72 hours, as well as include Norway Point in Schedule "E" and remove it from Schedule "C";
  2. Remove parking and docking restrictions at Norway Point temporarily for the remainder of 2010; and
  3. Status quo – no enforcement of parking or docking.
- Councillor Boivin noted that option 3 had already been passed on April 13. Mr. Wilmon confirmed this
- Councillor Casey asked Mr. Wilmon to read the interim management proposal suggested by WACA. He proceeded to read it
- Mayor Peake referred to the fourth option as proposed by WACA and asked for discussion to centre around safe usage of the park and facilities available
- Councillor Burgess asked where the committee stood right now. Mayor Peake advised that the committee not comfortable with the rate amounts being suggested for a permit system and had asked for further review. She stated that the committee had finished its work and recommendations were to be brought forward to Council, after which it would be dissolved. Councillor Burgess asked for time limit on this. Mayor Peake stated that this depended upon the preparation of a draft master plan
- Councillor Tapley did not support a lottery system, and stated that she did not want to be in the marina business, and if permit costs proposed by the Township were equivalent to private marinas, then they were in the marina business. She did not think that any of the options were the solution, and that perhaps the status quo could be left for this season, then for next season eliminate overnight parking, and stated the need to look at another alternative that would end the situation
- Mayor Peake stated that Council should be looking at an interim proposal until the draft master plan has been done

- Councillor Boivin expressed his desire to more closely read the interim proposal presented by Mr. Burnham before making a final decision. He encouraged the parties to retain goodwill until a solution is struck and that they needed to talk to each other. He stated that the municipality should be in docking, but not the marina business by charging for docking. He asked that Council be provided with a summation of all the work the advisory group has done, so that they can see it in a comprehensive report. He stated that he thought it was unfair if docking were to be cut off and that it should remain for the season
- Councillor Burgess wished to see a time limit put in place to have the situation resolved, and was in favour of the status quo until Council could get an executive summary, etc., as it was her feeling that Council had only received small pieces of conflicting information, and there was no continuity of accurate information
- Councillor Casey noted that Councillor Boivin has recognized the need for a safe environment, but the situation as it exists right now is not accomplishing this. She felt that a change was needed in the Parks by-law to achieve a safe environment, and that the problem with a 72 hour parking limit was untenable as this changed the pattern of use of water access users, as the time limit would only cover a weekend and would not cover a week's stay. She noted that problems have resulted in one group not being good neighbours. She stated her appreciation that Council members may not be able to take in the agreement that Mr. Wilmon had read, but thought that it was the best option, as if their decision still results in harassment of water access users, that is not a good thing
- Councillor Ross favoured the status quo option for the rest of this summer, and agreed that the parking permit was too convoluted and would use too much of Mr. Wilmon's time, and that a date had to be set to end this matter. If feel unsafe, find somewhere else to park
- Councillor Cote stated his agreement with Councillor Burgess
- Mayor Peake stated that Council had to get the master plan in place so discussion can take place. She asked people who were part of the public body to behave responsibly and with respect, and emphasized that island cottagers are also members of the public. She summarized that the consensus appeared to be the status quo
- Mr. Watson advised that anyone could still enforce the by-law which could also affect contractors or fishermen, not just island cottagers. He advised that he hopes to have a draft master plan at the next Financial Services meeting on July 8
- Councillor Casey recalled that it was Council that asked in April to put forward a resolution for \$5,000 to prepare a master plan, which Council denied, and which has resulted in delay, so Council is also responsible for this situation. She encouraged Council to make a decision other than status quo
- Mayor Peake stated that there was a concern for safety, and was not certain that a call for people to behave responsibly and with respect would be enough. She addressed Mr. Wilmon and asked what impact the interim management proposal would have on him. Mr. Wilmon advised it would involve recognizing certain users of Norway point and their vehicles and vessels, and noted that Council may be surprised at the variety of users, not just islanders, but also fishermen, contractors, and guests of mainland

cottagers that did not have enough room to accommodate their vehicles on their host's property. It was agreed that it would be a starting point to determine the variety of use there

- Mayor Peake then asked him about the impact of a 72 hour parking limit. Mr. Wilmon advised that it could be weekend, but not necessarily since as the 72 hour time limit approached, a vehicle could be moved and the clock would start ticking again. Councillor Tapley asked how enforceable this would be. Mr. Wilmon replied that Schedule "E" could be amended to not have reference to a permit, simply that parking was allowed for 72 hours
- Mayor Peake read the following resolution:

**Resolution 6(b)/06/08/10**

**Councillor Casey and Councillor Ross**

**WHEREAS the Council for the Township of Lake of Bays deems it expedient to amend By-law #08-10 being a by-law to "Being A By-law To Designate and Regulate Public Parks and Parkland In the Township of Lake Of Bays".**

**NOW THEREFORE BE IT RESOLVED THAT the Corporation of the Township of Lake of Bays approves the amendment to By-law 08-10 to reflect the removal of Norway Point from Schedule "C" and to include Norway Point on Schedule "E" to permit parking and docking up to 72 hours.**

- Councillor Burgess asked that a timeline be included. Mayor Peake amended the resolution to add a timeline for the balance of 2010, as well as remove reference to permit. Mayor Peake then read the following resolution:

**Resolution 6(b)/06/08/10**

**Councillor Cote and Councillor Burgess**

**WHEREAS the Council for the Township of Lake of Bays deems it expedient to amend By-law #08-10 being a by-law to "Being A By-law To Designate and Regulate Public Parks and Parkland In the Township of Lake Of Bays".**

**NOW THEREFORE BE IT RESOLVED THAT the Corporation of the Township of Lake of Bays approves the amendment to By-law 08-10 to reflect the removal of Norway Point from Schedule "C" and to include Norway Point on Schedule "E" to allow parking and docking up to 72 hours.**

**NOW THEREFORE BE IT RESOLVED THAT the Corporation of the Township of Lake of Bays approves this amendment for the balance of the year 2010.**

**CARRIED.**

By-law 10-61 being a by-law to amend By-law 08-10, a by-law to designate and regulate public parks and parkland in the Township of Lake of Bays.

**By-law 10-61 was read a first, second and third time and finally passed.**

**Carried.**

**Item 6(a)(i)(b):** 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 advised that although the report recommended approval, the applicants' agent had requested a deferral, which staff had no concerns with
- No one was present in the gallery who wished to speak to the application
- This matter was deferred

**Item 6(a)(ii)(d):** File: **DP 36/10 LOB (Reynolds)**  
Applicant: Dr. Jeffrey & Mrs. Lori Ann Reynolds  
Civic Address: 4211-3 Muskoka Road 117  
Lot/Con: L 13, Con. 1, Franklin, on Lake of Bays  
Roll No.: 030-015-05100

- No one was present to represent the application
- No one was present in the gallery who wished to speak to the application
- Mr. Szczerbak presented the staff report and advised that staff recommended it be provisionally approve to ensure septic system is appropriate for the lands
- There were no questions or comments from Council members
- Mayor Peake read the following:

**Resolution 6(a)(ii)(d)/06/08/10**

**Councillor Boivin and Councillor Cote**

**WHEREAS the applicants have submitted Development Permit Application DP 36/10 LOB (Reynolds) in order to seek relief from:**

- Section 5.1.1 (i)(Minimum Shoreline Yard Setback), reduce from a required 20 metres (65.6 ft) to 15.2 metres (50 ft) in order to accommodate the proposed open deck and to 14.5 metres (47.5 ft) for its associated stairs; and**
- Section 5.1.1(f)(Minimum Interior Side Yard – north easterly), reduce from a required 4.5 metres (14.7 ft) to 4.3 metres (14 ft);**

of Development Permit By-law 04-180, in order to accommodate the construction of a new open deck addition onto an existing dwelling, located in Pt. Lot 13, Conc. 1, Franklin Ward, on Lake of Bays (Reynolds) (4211 Muskoka Road #117, Unit 3) (Franklin) (030-015-05100);

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 36/10 LOB;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays PROVISIONALLY APPROVES this application pending the following:

- (i) Confirmation of the installation of a septic system in accordance with Building Permit #2003-0292, issued in 2003 but for which staff have determined to have no other records on file

Upon receipt and approval of the required item, 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 21<sup>st</sup>, 2010 and marked: DP 36/10 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; and

**CARRIED.**

**Item 6(a)(i)(iii): Report & Resolution: **2010 Planning Department Work Plan****

- Mr. Szczerbak reviewed the staff report
- Councillor Tapley stated that the two biggest things she hears from ratepayers are the size of boathouses and the mass of some dwellings around the lake. She advised that Council needed to start having a discussion on what to do about these matters, and that it would likely be a slow discussion due to the need to consult with the public
- Councillor Ross echoed Councillor Tapley's statement, and that that the term "small hotels" has come up in describing some of the new dwellings that have been built along the cliffs towards Dorset, and that the footprint of some places is horrible. She encouraged Council members to drive down Narrows Road when leaves are off and look across the Narrows to the other side
- Mayor Peake stated her concern about whether we initiate this discussion now or leave it for the next council. She advised that if it was rolled into the by-law update for maximum boathouse size, that it hadn't provided much lead time for discussion. Mr. Szczerbak offered to compile a photo log of dwellings of concern and some that have been approved by Council that may be causing concerns to the general public, with a view to maybe altering the by-law to address it. He encouraged councilors to advise him of dwellings of concern they would like to include
- Mayor Peake concluded that they would not include this matter in this round of by-law amendments and would leave it instead for a future council. She wanted to know if Mr. Szczerbak's work on the strategic plan has infringed into his regular planning duties. Mr. Szczerbak replied that he was somewhat keeping track of this, but for the most part the various community groups are working well on their own
- Mayor Peake read the following:

**Resolution 6(a)(iii)(a)/06/08/10**

**Councillor Tapley and Councillor Ross**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays receives the staff report "2010 Planning Department Work Plan" dated May 18<sup>th</sup>, 2010.**

**Carried.**

**7. CLOSED SESSION**

NIL

**8. BUSINESS ARISING FROM CLOSED SESSION**

No matters to discuss from Closed Session.

**9. CONFIRMING BY-LAW**

By-law 10-63, being a by-law to confirm the proceedings of the meeting of Council held on June 8<sup>th</sup>, 2010.

**By-law 10-63 was read a first, second and third time and finally passed.**

**10. ADJOURNMENT**

**Resolution 10(a)/06/08/10**

**Councillor Casey and Councillor Ross**

**BE IT RESOLVED THAT the Council (*Planning Matters Only*) of the Corporation of the Township of Lake of Bays adjourn at 1:38 pm to meet again on July 20<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