





**MOTION**

**MOVED BY:** Margaret Casey  
**SECONDED BY:** Nancy Tapley

That Application B 11/09 LOB (Copp) be DEFERRED to the July 20<sup>th</sup>, 2010 meeting of the Committee in order to permit additional time for the Committee to continue their discussions with the applicant and their agent related to parkland dedication on the subject lands.

**CARRIED.**

ii) **B 13/10 LOB, Applicant: Jill Azis**  
Part Lot 12, Con. 6, McLean Ward, on Dickie Lake, 4 McIntyre Road  
Roll No: 040-003-05500

**Present:** Ms Jill Azis, applicant, 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 this application is to sever a right-of-way over the subject lands in order to provide legal access over an existing driveway to a westerly property owned by Margaret Key at 5 McIntyre Point (Roll No. 040-003-05600, being Part 10 on Plan RD-681 & Pt 3 on Plan 35R-6939). The Township-owned road known as McIntyre Point ends at the subject lands. The private driveway then extends through the subject lands to the benefiting lands which are situated at the end of a point of land in Dickie Lake. The proposed right-of-way will permit continued legal access across the subject lands (Part 1 on a draft 35R plan) for the benefit of the Key property. The driveway has been in existence and used for over 30 years.

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

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

**Committee Deliberations:**

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

**MOTION**

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

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

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

this consent approval has been granted.

- (2) That a "Transfer in Preparation", or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.
- (3) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

**REASONS:**

1. The Committee is satisfied that the consent application generally conforms to the intent of the Township Official Plan, and will serve to provide an easement for right-of-way to the westerly abutting lands under Roll number 040-003-05600, being Part 10 on Plan RD-681 and Part 3 on Plan 35R-6939).

Pursuant to Subsection 41 of Section 53 of the Planning Act, all conditions imposed must be fulfilled within *one year* from the date of the sending of the Notice of Decision or the application is deemed to be refused.

It is a requirement that all conditions imposed be fulfilled prior to the granting of this consent and the giving by the Secretary-Treasurer of the certificate provided for in Subsection 42 of Section 53 of the Planning Act.

**CARRIED.**

- iii) **B 14/10 LOB, Applicant: Karen Armstrong**  
Part Lot 21, Con. 1, Sinclair Ward, 1069 Tally-Ho Winter Park Road  
Roll No: 020-001-05602

**Present:** Ms Karen Armstrong, applicant, 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 this application is to sever a parcel of land in order to create one new residential building lot as follows:

	Lot Area		Frontage on Tally-Ho Winter Park Road	
<b>Severed Lot</b>	5.06 ha	12.5 ac	128 m	420 ft
<b>Retained Lot</b>	5.67 ha	14.01 ac	169 m	554 ft
<b>Total Property</b>	10.73 ha	26.5 ac	297 m	974 ft

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

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

**Committee Deliberations:**

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

**MOTION**

**MOVED BY:** Nancy Tapley  
**SECONDED BY:** Margaret Casey

That application B 14/10 LOB (Armstrong) be **APPROVED**, subject to the following conditions:

- (1) That two copies of the reference plan of survey be provided, bearing the Land Registry Office registration numbers and signatures as evidence of deposit therein, and generally illustrating the same area and dimensions of the parcel(s), together with any applicable rights-of-way, to which this consent approval has been granted.
- (2) That a “Transfer in Preparation”, or an electronic legal description of the severed lands, be provided to the Secretary-Treasurer.
- (3) That the applicant enter into an Agreement with the Township of Lake of Bays under Section 41 of the Planning Act and this Agreement be registered on the title of the retained lot. Said site plan shall require the retention of existing natural forest vegetation to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, as well as to prohibit vegetation removal and site alteration within 30 metres of the cold water stream present on the property, generally identified as Environmental Protection (EP) under By-law 04-181.
- (4) 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 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. The Site Plan Agreement shall require the retention of natural vegetation to address Section D.109 (Deer Wintering Habitat) of the Township Official Plan, as well as to prohibit vegetation removal and site alteration within 30 metres of the cold water stream present on the property, generally identified as Environmental Protection (EP) under By-law 04-181.
- (5) That final approval be subject to confirmation by the Township of Lake of Bays that the severed lands are satisfactory for on-site sewage disposal.
- (6) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$3,720.90.
- (7) 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 Official Plan, and will serve to create one new residential building lot.

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

**Other:**

NIL

**10. CLOSED SESSION**

NIL

**11. BUSINESS ARISING FROM CLOSED SESSION**

NIL

**12. OTHER MATTERS**

**MOTION**

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

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

**CARRIED.**

NIL

**13. ADJOURNMENT**

The meeting was adjourned at 9:29 a.m.

**MOTION**

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

The Committee of Adjustment hereby adjourns the meeting of May 18<sup>th</sup>, 2010.

**CARRIED.**

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CHAIRPERSON

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SECRETARY-TREASURER

DRAFT