



Township of Lake of Bays Municipal Offices
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COUNCIL MEETING FOR PLANNING MATTERS ONLY
of
The Corporation of the Township of Lake of Bays
February 16th, 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 February 16th, 2010 in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

Attendance:

Mayor:	Janet Peake	
Councillors:	Ben Boivin	(District – Franklin/Sinclair/Finlayson)
	Margaret Casey	(District – Ridout & McLean)
	Nancy Tapley	(Franklin)
	Virginia (Ginny) Burgess	(Sinclair/Finlayson)
	Ruth Ross	(Ridout)
	Philip Cote	(McLean)
Planner:	Stefan Szozerbak	
Deputy Clerk:	Terri-Lyn Magee	

1. MEETING CALLED TO ORDER

The meeting was called to order at 9:30 a.m., on February 16th, 2010, by Mayor Peake.

2. APPROVAL OF AGENDA

Resolution 2(a)/02/16/10

Councillor Tapley and Councillor Ross

Be it resolved that the Agenda for the Council Meeting for Planning Matters Only, dated February 16th, 2010, be adopted as circulated.

Carried.

3. DISCLOSURE OF PECUNIARY INTEREST

Nil

4. DEPUTATIONS / DELEGATIONS

Nil

5. MINUTES

(a) To Be Adopted

- (i) Council Meeting for Planning Matters Only Minutes – January 19th, 2010**
- (ii) Special Meeting of Council Minutes (Planning Matters Only) Regarding proposed amendments to Development Permit By-law No. 04-180 – January 30th, 2010**

Resolution 5(a)(i)/02/16/10

Councillor Tapley and Councillor Ross

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 January 19th, 2010, as circulated.

Carried.

Resolution 5(a)(ii)/02/16/10

Councillor Casey and Councillor Ross

Be it resolved that the Council of the Corporation of the Township of Lake of Bays adopt the Special Meeting of Council Minutes (Planning Matters Only) of January 30th, 2010 regarding proposed amendments to Development Permit By-law No. 04-180, as circulated.

Carried.

(b) To Be Received

- (i) Committee of Adjustment Meeting Minutes – January 19th, 2010

Resolution 5(b)(i)/02/16/10

Councillor Boivin and Councillor Burgess

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 January 19th, 2010.

Carried.

6. REPORTS AND BY-LAWS

(a) Planning

(i) By-laws

- (a) By-law: 10-14
File: Z 41/09 LOB (Boothby)
Type: Amendment to By-law 04-181
Applicant: Dan Boothby
Civic Address: not assigned - vacant
Location/Ward: L 6, C 9, Franklin Ward
Roll No: 00-011-07605

- Mr. Dan Boothby, applicant and Mr. Terry Sararas, agent were present to represent the application
- Mr. Szczerbak presented the staff report and advised that it was staff's understanding that the applicant wished to establish general commercial uses on the subject lands. He explained that a by-law amendment was necessary in order to rezone the property from the "Community Residential (R)" Zone to the "Community General Commercial (C1)" Zone. He further advised that letters of concern had been received from Harris Jones & C.A. Foster, as well as Lois McCutcheon and Linda Keown, all residents of Spring Lake Road and that based upon an awareness of their concerns and in the spirit of resolve, the applicant's agent was requesting a deferral of the application at this time in order to address as many issues as possible

Council Deliberations

- Councillor Tapley asked about the intended use of the property and noted her belief that currently it was being used as a contractor's yard, that this was in contravention of the by-law and that the By-law Enforcement Officer should be made aware of and become involved in the matter. She requested to know if all General Commercial uses would be made available to the owner or if they would be limited in some way. Mr. Szczerbak stated that the Official Plan would support a commercial use in this location, however, it would be contingent on an

appropriate means of access being established for the use being proposed

- Councillor Casey asked for confirmation of when the lands were created and what would have been the intended use at that time. Mr. Szczerbak stated his belief that the lands were created in the mid 1990's for residential purposes.
- Councillor Boivin questioned whether or not access would be a problem if the use was changed. Mr. Szczerbak speaking to the matter, advised that while the property has frontage on Hwy No. 60, the MTO has also provided correspondence advising that an entrance onto the highway would not be available. He further advised that permission to use the road allowance as a means of access to the lands had been granted by the Township through an Unassumed Road Improvement Agreement sometime ago but that it had only made provisions for light traffic and that any new commercial use that may be considered would have to ensure an appropriate alternative means of access. He added that while the province has said that they do not support a new entrance, they may be accepting of a shared means of access
- Mayor Peake voiced her approval for continuing discussions respecting residential versus commercial uses in this particular area in keeping with those applicable Official Plan policies
- Councillor Tapley voiced her concern for a new commercial use in an otherwise characteristically quiet, residential area. Further, she requested confirmation for the full intent of the enterprise that was being proposed
- Councillor Casey requested clarification respecting the zoning of the adjacent property belonging to the Copp's and to which it was confirmed to be "Community General Commercial C1"
- Mr. Sararas speaking to the matter reminded Council that it is a large parcel of land, in excess of nine acres, that the property is located in the Community of Dought where the Plan envisions more intensive uses, the adjacent zoning located on both the west and south sides of Hwy 60 is designated for this type of use, and there is the presence of commercial zoning abutting the subject lands. Further, while he agrees that the means of access must be looked at, he also feels that an intensification of use is justified
- He confirmed that the first phase of development that was proposed involved the erection of mini storage units coupled with storage for recreational uses and would therefore have minimal impact on those residential uses in the immediate area

Speaking specifically to the means of access and in part to those concerns raised, he stated that there are no restrictions in the Unassumed Road Improvement Agreement for an increase in use and offered his opinion that after having had talks with the Ministry of Transportation (MTO) and The Roads Superintendent, that the road is suitable for light traffic. Further he reminded that an environmental assessment for this area was currently underway and cautioned that it would likely cause problems for future entrances off of Hwy No. 60. He asked that Council consider the application based upon its own merit

- Mr. Boothby stated that it was his intention to work with those who have advised of their concerns. He said that he was prepared to provide for extra buffering or whatever else may be deemed to be required in order to ensure that the uses are compatible. He also confirmed that at present, the use of the lands is for storage and that currently, there is nothing permanent on site
- Councillor Tapley responding to Mr. Boothby's statement, offered her belief that the property was also being used as a staging yard with the presence of a skid steer, excavator etc. on the property and which would suggest that the property was intended to be used for land extensive uses
- Councillor Casey requested confirmation respecting those subsequent phases that would be proposed and their timelines
- Mr. Boothby speaking to the last two addresses by Council advised that initially he was interested in using the lands for storage and that it would be open to any limitations that may be proposed in that regard. He stated that it was his desire to comply with the intent of the By-law and that he wanted to work with Council to find an appropriate use of the lands but one that would too be prosperous

- Councillor Casey asked if Mr. Boothby ever had thought of using the lands for residential purposes. Mr. Boothby acknowledged that the lot had been existing in the hamlet and offered his recognition that residential uses in the hamlet are important and that at the end of the day his hope is to be able to do something with the property
- Councillor Casey addressing her question to Mr. Szczerbak, wondered if some sort of vacant land condominium use could have possibly been supported in this location. He responded to her query by stating his belief that 9.3 acres for residential use is possible but may be cost prohibitive. Mr. Szczerbak stated his belief that the lands could support a commercial use provided access if achieved directly from the highway
- The following person was in the gallery to speak to the application:

Ms. Linda Keown,

- She questioned when the lands had been created and what had been the proposed means of access at that time. Further to the letter which she had provided to Council, she expressed concern for the present use of the lands and reiterated her desire to see site specific zoning for a use that would be compatible within a residential area. Mr. Szczerbak advised that it was his understanding that the lands had been created in the early to mid 1990's and further that it was at that time that the MTO had provided correspondence that an entrance off of Hwy No. 60 would not be available
- Ms. Keown expressed concern for the agreement that had been established back in 2000 respecting the road allowance to which Mr. Szczerbak offered his belief that this agreement would need to be reviewed if a new use were to be permitted
- There were no further questions or comments from Council, and Mayor Peake read the following:

BE IT RESOLVED THAT in the matter of by-law amendment application Z 41/09 LOB (Boothby) for an amendment to Comprehensive Zoning By-law No. 04-181 involving a change from the current Residential zone to a Commercial zone, the Council of the Corporation of Lake of Bays hereby DEFERS this matter at the request of the applicant's agent.

(b) By-law: 10-15
File: Z-43/09 LOB (Holton)
Type: Amendment to By-law 04-180
Applicant: Lindsay Holton
Agent: Paul Greenaway
Civic Address: 1015 Scott's Boathouse Road
Lot/Con/Ward: L 19, C 14, Ridout, on Lake of Bays
Roll No.: 030-011-08900

- Ms. Holton, applicant, was present to represent the application
- Mr. Szczerbak presented the staff report and advised that due to insufficient water depth, the applicant was proposing to construct a dock that would be 75 feet in length and as the length proposed exceeded 66 feet, the maximum permitted under By-law No. 04-180, a by-law amendment would be required. Further, he advised, the amendment would serve to recognize a deficiency in water setback to the existing single family dwelling on the lands and which was originally approved under By-law amendment 07-30 but which appears to have been built closer than that which had been approved
- Both Councillors Ross and Boivin asked for clarification respecting the sketch and which was addressed by Mr. Szczerbak
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-15 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Holton)(1015 Scott's Boathouse Road)(Ridout).

By-law 10-15 was read a first, second and third time and finally passed.

(c) By-law: 10-16
Files: Z 01/10 LOB (Dymott)
Type: Amendment to By-law 04-180
Applicants: Virginia & Peter Dymott
Civic Address: 1114-2 Crosswinds Cove Road
Lot/Con/Ward: L 17, C 9, Franklin, on Lake of Bays
Roll No.: 010-009-03300

- Mr. John Jackson, 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
- Councillor Ross asked for clarification respecting the sketch and which was addressed by Mr. Szczerbak
- Mr. Jackson stated that he was in agreement with the recommendation and had nothing further to add
- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

By-law 10-16 being a by-law to amend By-law 04-180 known as the Development Permit By-law (Dymott)(1114-2 Crosswinds Cove Road)(Franklin).

By-law 10-16 was read a first, second and third time and finally passed.

(ii) **Council Variations to Development Permit By-law 04-180**

(a) File: DP 01/10 LOB (IDL Solutions Inc.)
Applicant: IDL Solutions Inc. (Brown)
Agent: Bert French & Son Limited
Civic Address: 4307 Muskoka Road #117
Lot/Con/Ward: L 10, Con 1, Ridout, on Lake of Bays
Roll No.: 030-015-08800

- Mr. John Hoyle, agent, and Mr. Lawrence Brown, applicant, were present to represent the application
- Mr. Szczerbak presented the staff report and advised of staff's recommendation for provisional approval for the demolition and reconstruction of a single family dwelling located within the required shoreline yard subject to receipt of the details of any site alteration, as well as confirmation that the lands can support any applicable changes to the existing filter bed and, if applicable a planting plan which would be required to address the need for re-vegetation in any areas that may be associated with construction activity. He further advised that the Building Department does not feel that the capabilities of the septic are an issue any longer, however, before they would be in a position to sign off on this requirement, a site inspection confirming the conversion of the bunkie would first have to be undertaken
- Councillor Casey asked about the possible need for blasting and questioned what mechanism was available to ensure that minimal disturbance is caused to a site. Mr. Szczerbak advised that the onus would be on the contractor to ensure that the results are not intrusive and confirmed that there really is no mechanism per say and that if trees are removed, they are required to be replanted
- Councillor Bolvin noted that the sketch showed an OSRA and asked what its status was. Mr. Szczerbak confirmed that it was closed
- Mr. John Hoyle speaking to the application and to Councillor Casey's earlier question advised that they have no way of knowing at this point if blasting may be involved with the proposed reconstruction. However, they will notify the neighbours in advance of any such works taking place and they will take every measure to ensure that any impacts are minimized
- Councillor Casey stated her concern for the substantially larger footprint and the overall "faceprint" of the resulting structure. Mr. Szczerbak

reminded that the property does have an expanse of frontage (>300 ft) and which is well vegetated. Also, he noted that the applicant has tried to work with staff in reducing the size of the new structure as well as pushing it back as much as possible

- No one was present in the gallery who wished to speak to the application
- Mayor Peake read the following:

Resolution 6(a)(ii)(a)/02/16/10

Councillor Boivin and Councillor Burgess

WHEREAS the applicant has submitted Development Permit Application DP 04/10 LOB (IDL Solutions Inc. (Brown)) in order to seek relief from:

- a) Section 5.1.1 (d) (Minimum Shoreline Yard Setback), decrease from 20 metres (65.6 ft) to 11.5 metres (37.6 ft) for the dwelling, and to 8.5 metres (28 ft) for that attached deck; and
- b) Section 5.1.1 (i)(Maximum Lot Coverage) increase from a permitted 8% to 10.2%;

of Development Permit By-law 04-180, in order to demolish the existing dwelling and construct a new dwelling of 1908 ft², located in Pt. Lot 10, Conc. 1, Ridout Ward, on Lake of Bays (IDL Solutions Inc. (Brown)) (4307 Muskoka Road, 117) (Ridout) (030-015-08600);

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 04/10 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) details of any site alteration i.e.: excavation, blasting, filling and/or grading in accordance with Section D.16 of the Township Official Plan such that there will be no negative impacts to the features and function of the area;
- (ii) 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
- (iii) where applicable, receipt of a planting plan in accordance with Section H.23 of the Official Plan which will re-vegetate any areas of construction activity associated with the proposed development.

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: January 11th, 2010 and marked: DP 04/10 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
6. That the proposed re-development shall confirm details of any site alteration i.e.: excavation, blasting, filling and /or grading in accordance with Section D.16 of the Township Official Plan, as well as a planting plan in accordance with Section H.23 which, if required, will deal with the re-vegetation of any areas of construction activity associated with the proposed re-development.

CARRIED.

(b) File: DP 05/10 LOB (Belanger)
Applicant: Leo Robert Belanger
Agent: Jim Coughlin
Civic Address: 1159 Maplehurst Drive
Lot/Con: L's 23 & 24, Con. 14, Franklin, on Peninsula Lake
Roll No.: 010-006-07000

- 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 which proposed a four foot increase in height to an existing legal non-complying structure located within the required shoreline yard
- Councillor Boivin asked for confirmation on the status of the OSRA which was shown on the sketch to be present. Mr. Szczerbak confirmed that it was open and that staff would be advising the Clerk’s Department of its status.
- No one was present in the gallery who wished to speak to the application.
- Mayor Peake read the following:

Resolution 6(a)(ii)(b)/02/16/10

Councillor Ross and Councillor Casey

WHEREAS the applicants have submitted Development Permit Application DP 05/10 LOB (Belanger) in accordance with Section 4.39 (Non-Complying (Legal) Buildings and Structures), in order to permit an increase in height from the existing dwelling height located within the shoreline yard, from approximately 21.4 feet to the top of the existing roofline to that of approximately 25.4 feet to the top of the reconstructed roof onto the dwelling, located in Pt. Lots 23 & 24, Conc. 14, Franklin Ward, on Peninsula Lake (Belanger) (1159 Maplehurst Drive) (Franklin) (010-006-07000);

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 05/10 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: January 15th, 2010 and marked: DP 05/10 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.

(iii) Other

a) Report Proposed Active Transportation Network Within the Township of Lake of Bays

- Mr. Szczerbak presented the staff report
- A discussion ensued which revolved around the following key points:
 - Although the proposed "Connection Route B" had been identified as a priority area within the draft network, generally the members of Council felt that this route was already known and used as an Active Transportation route. In addition, as portions of this road have recently been upgraded, perhaps emphasis should instead be placed on awareness of this route, such as the inclusion of signage to formalize its location
 - The proposed "Loop D" as identified was an important loop for the Town of Huntsville and Lake of Bays. However, it was recommended that consideration be given to extend the proposed loop to provide a connection to Baysville core along District Road 2 (Brunel Road). Related to this point, it was suggested that it might be important to place emphasis and priority on those areas within a specified walking/cycling distance into each of the Community boundaries. For example, consideration could be given to create a dedicated active transportation route from the Landscapes Resort into Baysville along District Road No. 117
 - Finally, it was suggested that consideration be given to extend the existing Fairy Vista Trail network (Town of Huntsville) into the Township of Lake of Bays along Highway No. 60. This trail network, it was thought could link into proposed Loop D via Highway 60 to both District Road 9 (South Portage) and District Road No. 23 (Canal Road)
 - Following Council's discussion concerning the matter, Mayor Peake read the following:

Resolution 6(a)(iii)(a)/02/16/10

Councillor Ross and Councillor Casey

Be it resolved that the Council for the Corporation of the Township of Lake of Bays hereby supports the preliminary Active Transportation

Network and is very interested in considering coordinating joint projects with the District of Muskoka.

And further that any future projects will be forwarded to District of Muskoka staff for consideration in the Active Transportation document.

CARRIED.

7. CLOSED SESSION

NIL

8. BUSINESS ARISING FROM CLOSED SESSION

No matters to discuss from Closed Session.

9. CONFIRMING BY-LAW

By-law 10-17, being a by-law to confirm the proceedings of the meeting of Council held on February 16th, 2010.

By-law 10-17 was read a first, second and third time and finally passed.

10. ADJOURNMENT

Resolution 10(a)/02/16/10

Councillor Boivin and Councillor Cote

NOW THEREFORE BE IT RESOLVED THAT the Council (*Planning Matters Only*) of the Corporation of the Township of Lake of Bays adjourns at 11:07 am to meet again on March 16th, 2010, immediately following the Committee of Adjustment meeting to be held at 9:00 a.m. in the Council Chambers of the Municipal Office, Dwight, Ontario.

Carried.

Mayor

Deputy Clerk