





|                       | Water frontage on<br>Lake of Bays |         | Lot Area |       |
|-----------------------|-----------------------------------|---------|----------|-------|
| <b>Severed Lot</b>    | 192 m                             | 630 ft  | 2.02 ha  | 5 ac  |
| <b>Retained Lot</b>   | 224.6 m                           | 737 ft  | 6.47 ha  | 16 ac |
| <b>Total Property</b> | 416.6 m                           | 1367 ft | 8.49 ha  | 21 ac |

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

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

**Committee Deliberations:**

- There were no questions or comments from Committee members, nor from Mr. Freedman
- Chairperson Peake read aloud the following resolution:

**MOTION**

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

That application B 09/10 LOB (Freedman) 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 easements, 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 severed lands be re-designated within Development Permit By-law No. 04-180 in order to recognize the deficient road frontage and any other deficiencies that may be revealed.
- (4) That the Applicant amend the existing Agreement (file C 02/06 LOB) on title with the Township of Lake of Bays pursuant to Section 51(26) of the Planning Act. Said amendment shall reflect the revised lot configuration and legal description of the severed and retained lands.
- (5) That the applicant apply for and receive an entrance permit for an entrance onto Vanclleaf Drive for the severed lands from the Township's Public Works Department, and a copy of the Permit or approval be provided to the Secretary-Treasurer.
- (6) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in the amount of \$19,059.81.
- (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 a 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.**

- ii) **B 10/10 LOB, Applicant: Gordon Hurd** on behalf of owner Thomas Hurd  
 Part Lot 20, Con. 7, Franklin Ward, on Lake of Bays, 1076 Birchcroft Road  
 Roll No: 010-014-08200  
 Agent: John Jackson

**Present:** No one 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 the subject lands to provide two lot additions to corresponding benefiting properties located to the east. These benefiting lands have frontage on the Lake of Bays. Severed Lot "A" is proposed to be joined to Parts 2, 3, 5, 6, 7, 8 & 9 on Plan 35R-21874 which comprise the benefiting lands owned by Jason Hurd and are currently vacant. Lot "B" is proposed to be joined to Part 10 on Plan 35R-21874 which is owned by Nyla Hurd (Roll No. 010-014-08300) and is currently developed with a single family dwelling and associated accessory structures. No new lot is being created, the application simply proposes that the existing lot lines be altered in order to provide additional land to the benefiting properties, together with applicable rights-of-way. The proposed lot additions will result in the following lot configurations:

|   | Lot Area |      | Resulting Parcel |      |
|---|----------|------|------------------|------|
|   | ha       | ac   | ha               | ac   |
| <b>Severed Lot "A" (B 10/10 LOB)</b><br>(lot addition to 010-014-08310) | 0.20     | 0.49 | 0.72             | 1.8  |
| <b>Lot "B"</b><br>(lot addition to 010-014-08300)                       | 0.15     | 0.37 | 0.94             | 2.33 |
| <b>Retained Lot</b>   | 0.58     | 1.43 | n/a              | n/a  |
| <b>Total Property</b>   | 0.93     | 2.29 | n/a              | n/a  |

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

That application B 10/10 LOB (Hurd) 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 easements, 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 there be a written undertaking from the acting solicitor that severed Lot A (being Parts 13 & 14 on Plan 35R-21874) be joined in title to the abutting benefiting lands to the east, being Parts 2, 3, 5, 6, 7, 8 & 9 on Plan 35R-21874. 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) That there be a written undertaking from the acting solicitor that Lot "B" (being Parts 15 & 16 on Plan 35R-21874) be joined in title to the abutting benefiting lands to the east, being Part 10 on Plan 35R-21874. 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.

- (5) That the Applicant amend the existing Agreement (file C 02/05 LOB) on title with the Township of Lake of Bays pursuant to Section 51(26) of the Planning Act. Said amendment shall reflect the revised lot configuration and legal description of the retained lands, as well as the addition of severed Lot "A" to its respective benefiting parcel.
- (6) That the Applicant amend the existing Agreement (file D 16/03 LOB) on title with the Township of Lake of Bays pursuant to Section 41 of the Planning Act. Said amendment shall reflect the revised lot configuration and legal description of the addition of Lot "B" to the corresponding benefiting parcel, being Part 10 on Plan 35R-21874.
- (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 provide a lot addition to the easterly abutting lands being Parts 2, 3, 5, 6, 7, 8 & 9 on Plan 35R-21874, as well as a lot addition to a second easterly abutting lot, being Part 10 on Plan 35R-21874.

Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent and the Certificate given under subsection 42 of Section 53 shall contain reference to this stipulation.

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 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

**Present: No one 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 an easement for a right-of-way over the subject lands in order to provide legal access over an existing driveway to a westerly property owned

by Morse & Houghton at 1032 Penmore Lane (Roll No. 010-003-00600). The driveway exits off of Penmore Lane, a private road that originates at Put in Bay Road. The proposed right-of-way will permit continued legal access across the subject lands (Part 7 on Plan 35R-22144) for the benefit of the Morse & Houghton property. The road has been in existence and used for approximately 15 years.

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

- He presented the staff report and advised that staff recommended that the application be deferred in order to allow time for the applicant to determine if the benefiting lands have deeded access over Part 2 on Plan BR-1776, and if not, to allow time for an additional application to be submitted for a right-of-way across that property (property roll no. 010-003-01700), in order to provide for a continuous right-of-way to the benefiting lands.

**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 application B 12/10 LOB (Morse et al) be DEFERRED to the meeting of August 17, 2010 in order to allow additional time for the applicants to determine if a right-of-way exists over the adjacent southerly property (being Roll no. 010-003-01700, pertinent portion being Part 2 on Plan BR-1776) that is located between Penmore Lane and the subject lands, and to submit an application for said right-of-way should one not exist. This is to ensure that a continuous legal right-of-way exists from Penmore Lane to the benefiting lands.

**CARRIED.**

**9. DEFERRED MATTERS**

**Minor Variances:**

NIL

**Consents:**

- 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**

**Other:**

NIL

**10. CLOSED SESSION**

NIL

**11. BUSINESS ARISING FROM CLOSED SESSION**

NIL

**12. OTHER MATTERS**

**MOTION**

**MOVED BY: Nancy Tapley**  
**SECONDED BY: Ruth Ross**

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

**CARRIED.**

NIL

**13. ADJOURNMENT**

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

**MOTION**

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

The Committee of Adjustment hereby adjourns the meeting of April 20<sup>th</sup>, 2010.

**CARRIED.**

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
SECRETARY-TREASURER