



Township of Lake of Bays Municipal Offices
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SPECIAL MEETING OF COUNCIL (PLANNING MATTERS ONLY)
of
The Corporation of the Township of Lake of Bays
January 30th, 2010
MINUTES

There was a scheduled special meeting of Council (Planning Matters Only) regarding proposed amendments to Development Permit By-law No. 04-180, held at 10:00 a.m., on Saturday, January 30th, 2010, in the Council Chambers of the Township of Lake of Bays Municipal Offices, Dwight, Ontario.

Attendance:

Mayor: Janet Peake

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

Planner (Township of Lake of Bays): Stefan Szczerbak
Planner (District of Muskoka): Samantha Hastings
Deputy Clerk: Terri-Lyn Magee

1. MEETING CALLED TO ORDER

The meeting was called to order at 10:10 a.m., on January 30th, 2010, by Mayor Peake.

2. APPROVAL OF AGENDA

Resolution #2/01/30/10

Councillor Tapley and Councillor Ross

Be it resolved that the Agenda for the Special Council Meeting (Planning Matters Only), dated January 30th, 2010, be adopted as circulated.

Carried

3. DISCLOSURE OF PECUNIARY INTEREST

Nil

4. REPORTS AND BY- LAWS

(a) **Planning**

(i) **By-laws**

Re: Update of Development Permit By-law 04-180

- Mrs. Samantha Hastings, Director of Policy & Programs for the District of Muskoka, provided an update of the proposed amendments to Development Permit By-law 04-180. She began the presentation with an overview, dividing the proposed amendments into three separate categories: i) clarifications; ii) simplifications; and iii) new provisions.
- She explained that there have been clarifications made to some of the wording contained in the General Provisions section of the By-law related to: the sequence of development, permitted extent of shoreline structures, vegetation removal and site alteration. She further explained how the definitions of storey and floor area have been adjusted in order to provide direction to architects and builders in an attempt to assist with the design of dormers and other similar architectural features.
- With respect to those simplifications, she proceeded to explain a more straight-forward and easily understandable set of lot coverage and shoreline activity area provisions intended to help reduce the amount of confusion associated with By-law calculations and which should also help to streamline the review of development permit applications. As well, she advised that provisions have been made to streamline the processing of applications for modest height deviations for legal non-complying uses. Mrs. Hastings also highlighted concerns raised in some correspondence related to shoreline activity areas and height.
- Finally, with respect to those new provisions being introduced, she talked about how the By-law currently implements the old lake capacity approach to recreational water quality and that this new provision, designed to implement the Lake System Health program is proposed to be incorporated at this time. She further explained a proposal to limit the maximum boathouse floor area size and advised that this change had been brought forward as a result of discussions with Council and upon review of several recent applications.

Resolution 4(a)(i)/01/30/10

Councillor Casey and Councillor Ross

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays receives the staff report "Development Permit By-law Update", dated January 25th, 2010.

AND FURTHER THAT staff report back to Planning Council with recommendations based on input received at the public meeting of January 30th, 2010.

Carried

5. CORRESPONDENCE

Correspondence received from the public included:

- Mr. Robert Lehman, provided a couple of technical suggestions related to a proposed change to the definition of lot coverage.
- Mr. Brian Simpson of P.O. Box #184, Dwight, ON, provided comments from LOBA's Environmental Committee focusing on the implementation and enforcement of the By-law.
- Mr. John Gallagher of 1 Rice Lane, Huntsville, ON, pointed out the need for a minor correction to a proposed change in the calculations related to percent coverage and which was corrected prior to the posting of the proposed amendments.
- Ms. Marie Poirier of P.O. Box #216, 3-2876 Hwy. #60, Dwight, ON, in her first piece of correspondence, included with Council's agenda package, suggested that the items being brought forward for consideration were more than just housekeeping matters and recommended that the consultation period be extended into the summer months and that an additional open house be scheduled in order to include more of the seasonal residents, as well as local contractors. In her second submission, included in Council's

Supplementary Package, she provided correspondence primarily related to the land use planning aspects of the proposed changes.

- Ms. Christine Jany of 34 Michelle Dr., St. Catharines, ON, provided suggestions and had some questions relating to the definition of finished grade and height.

Members of the public in attendance at the meeting addressed Council as follows:

- Bob Hutcheson, 8 Frederick Street, asked for clarification respecting the notion of an activity area. He further expressed concerns for the implications on coverage allowances for larger lots and the need for additional flexibility respecting shoreline activity areas, adding that presently, there are no incentives for the larger landowners in the Municipality. Speaking to a comment made by Councillor Casey respecting the potential for visual impact and the amount of coverage one is allowed, coupled with the placement of structures in the shoreline area, he concurred with her viewpoint that we need to look not only at the total effect of the footprint, but we must also be concerned with the visual and ecological impacts of development as well and used his own personal situation as an example. Referring to the design and colour of structures and more specifically shoreline structures, Mr. Hutcheson inquired about the possibility of staff being able to control these elements. Finally on the topic of Lake System Health, septic systems related to and new lot creation, he expressed great concern for the inclusion of the proposed "new provisions" dealing with soils and their capacity to effectively eliminate phosphorus, and requested that a definition of soils that mitigate phosphorus be included in the By-law.
- David Burgess, 1472 Fieldale Road, echoed those concerns expressed by Mr. Hutcheson dealing with larger land areas and the development thereof.
- Chris House, (no address provided), advised that he felt that the Township, through the restriction of activity areas, was in effect, discouraging the potential for future severances. On the topic of limiting the footprint of boathouses to 1,500 sq. ft., he asked for confirmation of maximum shoreline activity area coverage that would otherwise be permitted without Planning approval.
- Mark Jany, 34 Michelle Dr., advised that he felt that there should be some sort of compensation given to those landowners who have retained their larger lot areas. He also expressed his desire to have Council re-examine the current availability of structures in the shoreline activity area. He was also concerned with the possibility of an emphasis being placed on the vertical placement of all structures within the shoreline area and not just those of boathouses. Respecting variances to height, he advised of his belief that there is a need to look at some variation to height being delegated to staff for primary structures. As a final comment, Mr. Jany stated that the receiving of notice and obtaining of information concerning this proposed housekeeping amendment and other similar type meeting notices often proves difficult for constituents, especially those seasonal residents and thought that it may be beneficial to include future circulations with the Township's tax bill notices. At the very least his thought was that there should be an option circulated with the tax bill which gives landowners the ability to request circulation of.
- Bart Carswell, (no address provided), sided support for Councillor Casey's viewpoint on vertical coverage, comparing the difference between a boathouse and a boatport. He also expressed support for the percent lot coverage to be changed to 10% of the whole of the lands noting that it would help to bring back the incentive to acquire the Original Shore Road Allowance. On the topic of shoreline coverage and more specifically the maximum size of boathouses, he expressed concern for the absence of differentiation between an island property and a typical waterfront lot and posed a question related to a two storey boathouse to which it was confirmed that two storey boathouses are not permitted in Lake of Bays. In closing, Mr. Carswell, speaking to the topic of non-complying structures in the shoreline area, urged Council to look at what the By-law would allow normally when making decisions on related Planning applications.

- Christine Jany, 34 Michelle Dr., requested clarification respecting the usage of the term "faceprint".
- Mark Firman, 91 West Rd., speaking to the discussion of limiting the size of boathouses to a total footprint of 1500 ft², expressed concern for this proposed change to the By-law, noting that many of Lovegrove Construction's clients are requesting the current maximum 1994 ft² and added that those who are requesting the maximum footprint size, are typically those landowners with the larger lot areas and frontages and whose properties can support the maximum development potential. He cautioned that reducing the current maximum footprint would undoubtedly prove to have adverse effects from a construction/design perspective.

The following persons requested to be kept apprised of those recommendations to be presented to Council at a related future meeting date(s):

- Mark Firman, c/o Lovegrove Construction, 91 West Rd., Huntsville, ON P1H 1L9
- David Burgess, 1472 Fieldale Rd., R.R.#4, Huntsville, ON P1H 2J6
- Christine Jany, 34 Michelle Dr., St. Catharines, ON L2S 3J8
- Mark Jany, 34 Michelle Dr., St. Catharines, ON L2S 3J8
- J. & A. Andersen, 1420 Limberlost Rd., Huntsville, ON P1H 2J6
- David Smith, 13 Moreland Crt., Bracebridge, ON P1L 1A4
- Nancy LeBlanc, c/o Planscape, 104 Kimberley Ave., Bracebridge, ON P1L 1Z8
- Paul Hutchison, 2262 Hwy. #60, R.R. #4, Huntsville, ON P1H 2J6
- Brian Simpson, P.O. Box #184, Dwight, ON P0A 1H0
- Harriet Muirhead, 1071 Glenmount Rd., R.R.#1, Baysville, ON P0B 1A0
- John Brenciaglia, 1123 Wolf Bay Rd., Huntsville, ON P1H 2J6
- Bob Hutcheson, 8 Frederick St., Huntsville, ON P1H 1V7

No other submissions were made with respect to comments concerning the proposed amendments to the Development Permit By-law No. 04-180

Council discussed the merits of extending the consultation to the summer. Mr. Szczerbak reminded those present that the purpose of today's meeting was to receive public input. He also reminded that it was the statutory public meeting and that to defer making a decision for any extended period of time may be detrimental to the forward progression of any changes, even those that are more minor in nature. In the interest of streamlining the approval process for the upcoming building season, he suggested that it may be prudent to move ahead with those items that are more technical in nature and which provide for clarification/simplification and to perhaps defer the "new provisions" and any other items that are more contentious in nature to further discussion(s).

Mayor Peake thanked everyone for their participation today in what had been a very productive and informative session and confirmed Council's desire to move the more straight-forward, technical items forward no later than late February, early March.

6. CONFIRMING BY-LAW

- (a) By-law 10-13, being a by-law to confirm the proceedings of the special meeting of Council held on January 30th, 2010

By-law 10-13 was read a first, second and third time and finally passed.

7. ADJOURNMENT

Resolution #7/01/30/09

Councillor Boivin and Councillor Burgess

Be it resolved that the Council (*Planning Matters Only*) of the Corporation of the Township of Lake of Bays adjourn at 12:10 p.m. to meet again on February 16th, 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

Mayor

Deputy Clerk

DRAFT