



To: Committee of Adjustment

From: Stefan Szczerbak, Planner

Date: March 13th, 2007

Subject: Consent Applications: **B 04, 05 & 06/07 LOB (Goldenberg)**
Agent: Thomas C. Pinckard of Pinckard, Wyjad, Fleming Assoc.
Part Lots 26 & 27, Conc. 9, Franklin Ward
Roll Nos. 010-002-06701 & 06730
South Portage and Osborne Point Roads

RECOMMENDATION:

That application **B 04/07 LOB** be **APPROVED**, subject to the following conditions:

- (1) A registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) That there be a written undertaking from the acting solicitor that the severed lot be joined in title to the abutting property to the west, under property roll no. 010-002-06730 (Part 5 on Plan 35R-20222). Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent. This condition also serves to approve the following procedure for the joining in title of the lands to be benefited by the lot addition (which were the subject of previous consent application **B 28/03 LOB**) with the lands that are the subject of this consent application:
 - a) prior to registration of the deed conveying the severed lands to the benefiting lands, there shall be a conveyance from the benefiting lands to the lands adjoining to the north (being the property described as Part Lots 26 & 27, Conc. 9, Part 2 on Plan 35R-20222, property roll no. 010-002-06720), and being the severed parcel forming application **B 06/07 LOB**;

That application **B 05/07 LOB** be **APPROVED**, subject to the following conditions:

- (1) A registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) That there be a written undertaking from the acting solicitor that the severed lot be joined in title to the abutting property to the west, under property roll no. 010-002-06720 (Part 2 on Plan 35R-20222). Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent. This condition also serves to approve the following procedure for the joining in title of the lands to be benefited by the lot addition (which were the subject of previous consent application **B 27/03 LOB**) with the lands that are the subject of this consent application:
 - a) prior to registration of the deed conveying the severed lands to the benefiting lands, there shall be a conveyance of a 0.3 metre (1 foot) road widening across the entire frontage of the

benefiting lands to the lands adjoining to the west (property of the District of Muskoka, Part Lots 26 & 27, Conc. 9, Part 17 on Plan 35R-9749);

- b) The aforesaid road widening shall be endorsed with the consent of the Committee of Adjustment, quoting application number "B 05/07 LOB", which consent is hereby granted;
- c) There shall be a written undertaking from the acting solicitor that the road widening parcel of land shall be joined in title to the adjoining parcel of land to the west (property of the District of Muskoka, Part Lots 26 & 27, Conc. 9, Part 17 on Plan 35R-9749).

That application **B 06/07 LOB** be **APPROVED**, subject to the following conditions:

- (1) A registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
- (2) That there be a written undertaking from the acting solicitor that the severed lot be joined in title to the abutting property to the north, under property roll no. 010-002-06720 (Part 2 on Plan 35R-20222). Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent. This condition also serves to approve the following procedure for the joining in title of the lands to be benefited by the lot addition (which were the subject of previous consent application **B 27/03 LOB**) with the lands that are the subject of this consent application:
 - a) prior to registration of the deed conveying the severed lands to the benefiting lands, there shall be a conveyance of a 0.3 metre (1 foot) road widening across the entire frontage of the benefiting lands to the lands adjoining to the west (property of the District of Muskoka, Part Lots 26 & 27, Conc. 9, Part 17 on Plan 35R-9749);
 - b) The aforesaid road widening shall be endorsed with the consent of the Committee of Adjustment, quoting application number "B 05/07 LOB", which consent is hereby granted;
 - c) There shall be a written undertaking from the acting solicitor that the road widening parcel of land shall be joined in title to the adjoining parcel of land to the west (property of the District of Muskoka Part Lot 26 & 27, Conc. 9, Part 17 on Plan 35R-9749).
- (3) A 0.3 metre (1 foot) road widening across the entire frontage of the severed lands be dedicated to the District Municipality of Muskoka for road widening purposes;
- (4) That the Applicant shall amend the existing Agreement with the Township of Lake of Bays under Section 41 of the Planning Act registered on the title of the retained lands. Said amendment shall reflect the revised lot configuration as well as ensure the retention of natural vegetation along the road frontage of South Portage Road (Muskoka Road 9), in accordance with Section I.18 of the Township Official Plan.

ORIGIN:

Proposal: The applications involve the addition of three separate parcels of land to two residential building lots previously created by way of consent applications **B 27 & 28/03 LOB**. The owner now wishes to provide the lands, created by way of consent applications **B 27 & 28/03 LOB**, with additional lot area. The proposed lot additions are as follows:

Consent Application	Area (ha/ac)		Frontage (m+/-/ft+/-)		Frontage Onto
	ha	ac	m	ft	
B 04/07 LOB	1.605	3.97	0	0	N/A
B 05/07 LOB	1.040	2.6	0	0	N/A
B 06/07 LOB	0.230	0.57	25	82	South Portage Road (Muskoka Rd. #9)

Retained Lands	Area (ha/ac)		Frontage (m+/-/ft+/-)		Frontage Onto
	ha	ac	m	ft	
B 04 & 05/07 LOB Roll No. 010-002-06701	14.74	36.4	403.4	1,323	Osborne Point Road
B 06/07 LOB Roll No. 010-002-06730	2.738	6.77	206.7	678	South Portage Road (Muskoka Rd. #9)

BACKGROUND:

Previous Files:	<ul style="list-style-type: none"> • Consent Applications B 26, 27 & 28/03 LOB & B 04/04LOB; • Rezoning Application Z 25/03 LOB (By-law 04-04); • Site Plan Agreements D 02/05 LOB and D 20/05 LOB; and • 51(26) Agreement C 03/05 LOB.
Natural Constraints:	Deer Wintering Yard; Locally significant wetland; and Private land pit or quarry.
LOB Official Plan:	Rural and Waterfront.
District Official Plan:	Rural and Waterfront.
LOB By-law 04-181:	Rural Residential “(RR)”, Rural “(Ru)” and Environmental Protection “(EP)” Zones.
LOB By-law 04-180:	Waterfront Residential “(WR)” Development Permit Area.

Site Characteristics: Parts 4 & 5 on Plan 35R-20222 (Roll No. 010-002-06730) are developed with a single family dwelling, while Part 2 on Plan 35R-20222 (Roll No. 010-002-06720) is presently vacant. The central portion of the property contains a pond and appears to have been rehabilitated from past aggregate excavation. The balance of the lands are well treed and the topography varies throughout the severed and retained lands.

Surrounding Uses: The surrounding lands contain low density residential uses.

ANALYSIS:

Planning

Comments:

The proposed severances do not create new lots. The subject applications simply involve the addition of lot area to two parcels of land formerly created by way of consent applications B 27 & 28/03 LOB.

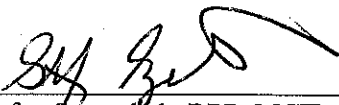
Committee will note that several of the conditions mentioned above will have the effect of breaking the previous consent on the benefiting lands, thereby ensuring that the severed parcels will merge with their respective benefiting lands.

Site Plan Matters

With respect to property Roll No. 010-002-06730, Committee may recall approving consent applications **B 27 & 28/03 LOB** subject to a site plan agreement for the purpose of ensuring that the rural character in this area is maintained. At that time, it was recommended that a vegetative buffer and/or berm be located between the proposed buildings and the road corridor on this lot. Upon review of Site Plan application **D 27/05 LOB**, this buffer has been included in the agreement however, upon attending the site, staff note that the berm has been removed.

As the consent generally conforms to both the District and Township Official Plans, staff would have no concerns with the approval of this application for a lot addition, subject to the conditions outlined in this report.

Respectfully submitted by:



Stefan Szczerbak, RPP, MCIP
Planner

