



COMMITTEE OF ADJUSTMENT

The Corporation of the Township of Lake of Bays

MINUTES

January 22nd, 2008

9:00 a.m.

ATTENDANCE:

Members Present:

Nancy Tapley, Acting Chairperson
Ben Boivin
Virginia (Ginny) Burgess
Margaret Casey
Philip Cote
Ruth Ross

Members Absent:

Janet Peake

Staff Present:

Stefan Szczerbak, Township Planner
Kelly Stronks, Secretary-Treasurer

1. MEETING CALLED TO ORDER

The meeting was called to order on Tuesday, January 22nd, 2008, at 9:10 a.m., in the Council Chambers at the Township of Lake of Bays Municipal Office in Dwight, Ontario by Acting Chairperson Nancy Tapley, to hear all the applications before the Committee of Adjustment dealing with Minor Variances and Consents under the authority of the provisions of the Planning Act and the delegation authority of the District Municipality of Muskoka. All applications to be considered have been circulated in accordance with the Planning Act and the regulations pertaining to Minor Variances, to Consent procedures, and in accordance with the provisions of the District Municipality of Muskoka Act, the District Official Plan and the Township of Lake of Bays Official Plan.

2. APPROVAL OF AGENDA

MOTION:

MOVED BY:

Ben Boivin

SECONDED BY:

Virginia (Ginny) Burgess

The Committee hereby approves the Agenda of the Committee of Adjustment for the Township of Lake of Bays, for the meeting of January 22nd, 2008, as circulated.

CARRIED.

MOTION:

MOVED BY:

Virginia (Ginny) Burgess

SECONDED BY:

Ben Boivin

Committee Deliberations:

- Councillor Casey noted that in the report the roll number in condition 2 should be 02300, not 02200. Mrs. Stronks advised that this had been changed in the resolution and decision
- Acting Chairperson Tapley asked if anyone was in the gallery to speak to the application. No one was present and she read the following resolution aloud:

MOTION

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

THAT application B 42/07 be APPROVED, subject to the following conditions:

- (1) That a registrable description of the severed and retained lands, together with any applicable rights-of-way over the subject 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. 040-012-02300. 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;**
- (3) That the retained lot be brought into conformity with the applicable Township by-law by rezoning it to a Rural Residential zone, as well as recognizing any deficiencies that may be revealed on either the retained lot or the severed and benefiting lands;**
- (4) That the Applicant enter into an Agreement with the District Municipality of Muskoka under Section 51(26) of the Planning Act and this Agreement be registered on title. The Agreement shall deal with the location of any proposed well on the severed or retained lands;**
- (5) That a 3 metre (10 foot) road widening across the entire frontage of both the severed and retained lands be dedicated to the District Municipality of Muskoka for road widening purposes.**

REASONS:

- 1. The Committee is satisfied that the consent application conforms to the intent of the Township Official Plan and will serve to provide a lot addition in order to provide road frontage to the benefiting lands, and maintains the general character of the rural area by meeting the minimum road frontage requirements and it is appropriate to the configuration and orientation of abutting parcels**
- (✓) 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.

- ii) **B 01/08 LOB, Applicant: Iris Biggs**
Part Lot 23, Con. 12, Franklin Ward, 1021 Fisher Point Road, on Peninsula Lake
Roll No. 010-004-01603
Agent: Richard Biggs

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 objections received from circulated agencies or circulated surrounding property owners.

The purpose of this application is to sever a 250 m² (2700 ft²) parcel and merge it with the benefiting property to the north (Roll No. 010-004-01604) owned by Richard Biggs (Lot 4 on Plan No. 8). The benefiting lands are occupied with a two storey dwelling (proposed to be demolished) that encroaches over the shared lot line between Lots 3 and 4. The benefiting parcel will have a resultant lot area of approx. 0.13 hectares (.33 acres) with 32.6 metres (107 ft) of frontage (inner limit of Original Shore Road Allowance). The retained lands are developed with a single family dwelling with attached deck, and will have a resultant lot area of approx. 0.10 hectares (.25 acres) with 30.4 metres (100 ft) of frontage (inner limit of OSRA).

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that staff had no concerns as a new lot is not being created, but subject to the recommended conditions

Committee Deliberations:

- Councillor Burgess referred to the frame dwelling shown straddling the northerly property line of the benefiting property and asked if it was owned by the neighbour. Mrs. Stronks advised that it was owned by another member of the Biggs family
- Councillor Casey asked if the owner of the retained lands realizes they are restricting any possible re-development of their lot. Mr. Szczerbak replied that they did. Councillor Casey also noted that the two storey dwelling to be demolished is identified as being the main lodge of the former Wawaneka Lodge, and asked if the Heritage Committee is interested in photos, etc. Acting Chairperson Tapley (*who is also the chair for the Heritage Committee*) advised that they were, and that the owners will be contacted
- Acting Chairperson Tapley asked if there was anyone to speak to the application. No one came forward and she read the following resolution:

MOTION

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

That application B 01/08 LOB (Biggs) be APPROVED, subject to the following conditions:

- (1) That a registrable description of the severed lands be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan.
- (2) That a deeming by-law be applied for and registered at the Bracebridge Registry Office in order to declare Lots 3 and 4 on Plan No. 8 (Franklin) not to be lots on a plan of subdivision.
- (3) 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. 010-004-01605 (Richard Biggs), being Lot 4 on Plan No. 8 (Franklin). 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.
- (4) That the retained lands and severed and benefiting lands be re-designated within Development Permit By-law No. 04-180 should any deficiencies be revealed upon review of the draft reference plan.
- (5) That the applicant apply for and receive a Development Permit in order to address the re-establishment of vegetation on the Original Shore Road Allowance fronting the retained lands, in accordance with Section D.100 of the Township Official Plan.
- (6) That final approval be subject to confirmation by the Township of Lake of Bays that the severed lands, combined with the benefiting lands, are satisfactory for on-site sewage disposal by means of a septic test hole inspection being conducted.
- (7) That an application to close the Original Shore Road Allowance (OSRA) lying in front of the severed and retained lands be received and approved by the Council of the Corporation of the Township of Lake of Bays, and that there be a written undertaking from the acting solicitor that specifies that said application will be carried through to its completion within one year of the date of the undertaking, and a copy of the resulting Transfer/Deed provided to the Secretary-Treasurer within that one year period. During the interim, the applicants shall enter into a License of Occupation with the Township should any improvements occupy the OSRA.
- (8) That a demolition permit be submitted and obtained to remove the two storey frame dwelling in order to eliminate its encroachment over the proposed lot line and that a final inspection report from the Building Department be submitted to the Secretary-Treasurer as proof that removal of said structure has taken place prior to the expiry of this provisional approval.

REASONS:

1. The Committee is satisfied that the consent application conforms to the intent of the Township Official Plan and will serve to provide a lot addition to the abutting lands to the north (roll no. 010-004-01604).
- (✓) 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.

9. DEFERRED MATTERS

Minor Variances:

NIL

Consents:

NIL

10. CLOSED SESSION

NIL

11. BUSINESS ARISING FROM CLOSED SESSION

NIL

12. OTHER MATTERS

MOTION

MOVED BY: Ben Boivin

SECONDED BY: Ruth Ross

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

CARRIED.

13. ADJOURNMENT

The meeting was adjourned at 9:33 a.m.

MOTION

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

The Committee of Adjustment hereby adjourns the meeting of January 22nd, 2008.

CARRIED.

CHAIRPERSON

SECRETARY-TREASURER

DRAFT