

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.

- i) **B 18/07 LOB, Applicants: Terry Verk & Renee Rosenberg**
Part Lot 15, Con. 8, McLean Ward, on the South Branch of the Muskoka River, 1017 & 1018 Dorans Road
Roll Nos. 040-007-04900 & 05000
Agent: Marie Poirier

Present: No one was present to represent the application

No Persons in Attendance in Favour of Requested Amendment to Conditions of Provisional Decision.

No Persons in Attendance Opposed to Requested Amendment.

Planning Department Submission – Stefan Szczerbak, Township Planner

- He presented the staff report and advised that the applicant's agent, Ms. Marie Poirier, had requested an amendment to the Provisional Decision of August 28th, 2007 in order to remove the northern-most triangle from the sketch that had originally been approved by Committee. He advised that Ms. Poirier also proposed to transfer Part 1 on the draft reference plan, which contains a right-of-way to other easterly properties off Dorans Road, to the Township as a turn-around for municipal maintenance vehicles

Committee Deliberations:

- Councillor Tapley asked for clarification of the proposal, and stated that the resulting severed lot has sufficient road frontage as it is on a road allowance. Mr. Szczerbak clarified that road frontage has to be on a year round municipally maintained road, and that a road allowance does not constitute an open and travelled road. She then noted that if Part 1 was deeded to the municipality, it did not make sense for the applicant to be made to keep the small triangular piece north of this
- Councillor Boivin noted that if road access doesn't work, water access could be used. Mr. Szczerbak advised that the Official Plan states that all new lots in Baysville shall be accessed by a year round municipally maintained road
- Councillor Casey stated her support of the planner's recommendation and concurred that the change in conditions was not minor and that recirculation should be required
- Mr. Szczerbak outlined Committee's three options: 1) approve with recirculation; 2) approve with no recirculation; and 3) not support the proposed amendment and the original decision would stand. He noted that township solicitor Mr. Michael Fitton advised that in his opinion this was not a minor amendment and that he recommended recirculation
- Chairperson Peake read the motion. Some discussion ensued to clarify the motion, and a recorded vote was taken as follows:

MOTION

MOVED BY: Nancy Tapley
SECONDED BY: Ruth Ross

THAT the following conditions of the Provisional Decision for consent application B 18/07 LOB, dated August 28th, 2007, be amended by inserting the following Condition No. 3 after Condition No. 2 and renumber the remaining Conditions accordingly.

- 3. That the severed lands be rezoned to the appropriate zone within Comprehensive Zoning By-law No. 04-181 by means of a site-specific amendment to recognize the deficient road frontage.**

That the following Conditions be inserted after the renumbered Condition No. 7:

- 8. The triangle of land containing a portion of the existing right-of-way that is described as Part 1 of the original draft Reference Plan (dated November 2, 2007) be removed from severed lot "A".**
- 9. That the lands previously described as Part 2 and now described as Part 1 on the revised draft reference plan (dated February 26, 2008) be conveyed to the municipality at the expense of the applicant for the purpose of a road that will form part of the municipally-owned and year round maintained road known as Doran Road.**

And further, that this change in conditions is not considered minor and therefore the amended Provisional Decision is to be re-circulated in accordance with Section 53(24) of the Planning Act, and in accordance with the Tariff of Fee By-law (06-13).

REASONS:

- 1. The applicant has requested a reconfiguration of the sketch attached to the original Provisional Decision. Although this change will result in the lot not meeting the road frontage requirements of By-law 04-181, which will be addressed by requiring a by-law amendment, Committee is satisfied that the revised configuration conforms to the intent of the Township Official Plan.**

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.

Recorded Vote:

Nays Yeas

Philip Cote	<u> ✓ </u>	<u> </u>
Virginia (Ginny) Burgess	<u> </u>	<u> ✓ </u>
Ben Boivin	<u> </u>	<u> ✓ </u>
Margaret Casey	<u> </u>	<u> ✓ </u>
Ruth Ross	<u> ✓ </u>	<u> </u>
Nancy Tapley	<u> ✓ </u>	<u> </u>
Chairperson Janet Peake	<u> </u>	<u> ✓ </u>

CARRIED.

13. ADJOURNMENT

The meeting was adjourned at 9:50 a.m.

MOTION

MOVED BY: Ruth Ross
SECONDED BY: Nancy Tapley

The Committee of Adjustment hereby adjourns the meeting of March 25th, 2008.

CARRIED.

CHAIRPERSON

SECRETARY-TREASURER