



PROVISIONAL DECISION

[The Planning Act, R.S.O. 1990, Chapter 13, Section 45(8)]

Files: **B 14/21 LOB**

Applicant(s): **James and Kimberly Davison**

Application for Consent for: **Lot Creation**

Location: **Part of Lot 13, Con. 2, Franklin Ward**

Parent Roll Nos.: **010-013-09300**

Date of Decision: **October 26, 2021**

Upon application for consent for the lands described in the above noted file, the decision of the Committee of Adjustment of the Corporation of the Township of Lake of Bays is as follows:

THAT Consent will be GRANTED provided:

- (1) A draft reference plan of survey is to be submitted to the Secretary-Treasurer for approval prior to registration. The reference plan must identify the dimensions and lot area of the severed and retained lots shown in Schedules "A" and "B", together with any applicable easements, the location of any buildings, structures, septic systems, driveways and roadways, as well as any wetland/watercourse locations. An electronic version (i.e. "pdf" format) is also to be provided.
- (2) Following the above condition, submit two copies of a deposited reference plan of survey that confirms the dimensions and lot areas of the severed and retained lands, to which this consent approval has been granted. An electronic version (i.e. "pdf" format) is also to be provided.
- (3) That any zoning non-compliances, identified through Condition 1 above, resulting from the proposed severance, be brought into compliance.
- (4) That a "Transfer in Preparation" and a "Long Form Certificate" for the severed lands be provided to the Secretary-Treasurer.
- (5) That the severed lot be rezoned to:
 - a. Address deficient road frontage.
 - b. Require the submission of (to the satisfaction of the Township) a slope stability analysis and stormwater management plan by a qualified geotechnical professional to identify an appropriate location for a building envelope and driveway location.
 - c. Require a development permit application prior to development to identify the proposed building, septic, driveway, shoreline structure and shoreline access envelopes; specify that all lands outside the proposed development envelope and driveway location be maintained in a naturally vegetated state for protection of natural heritage features; ensure that the shoreline activity area and access to the shoreline is in the location recommended on Figure 7 of the "Site Evaluation and Impact Assessment" by FRi CORP Ecological Services, dated February 2021; and to implement the findings and recommendations of:
 - i. "Site Evaluation and Impact Assessment" by FRi CORP Ecological Services, dated February 2021;
 - ii. "Fish Habitat Evaluation" by FRi CORP Ecological Services, dated June 10, 2021;
 - iii. "Site Evaluation Report – Proposed Severed Lot" by FRi CORP Ecological Services, dated June 11, 2021;
 - iv. "1-1810 Fox Point Road, Township of Lake of Bays – Peer Review for Fish Habitat and Site Evaluation Studies" by Palmer, dated October 5, 2021; and
 - v. The required slope stability analysis and stormwater management plan by a qualified geotechnical professional.
 - d. Require that installation of any septic system be completed by a licensed septic tank installer and located outside slopes in excess of 20% grade.

- (6) That the retained lands be rezoned to:
- a. Address deficient road frontage.
 - b. Require a development permit application prior to any development/redevelopment to identify the proposed new dwelling envelope; specify that all lands outside the proposed development envelope and driveway location be maintained in a naturally vegetated state for protection of natural heritage features, including a 30 metre vegetative buffer along the shoreline (outside of the existing cleared area in the location of the existing dwelling) to protect the potential bass nesting area from any negative impacts; and to implement the findings and recommendations of:
 - i. "Site Evaluation and Impact Assessment" by FRi CORP Ecological Services, dated February 2021;
 - ii. "Fish Habitat Evaluation" by FRi CORP Ecological Services, dated June 10, 2021; and
 - iii. "1-1810 Fox Point Road, Township of Lake of Bays – Peer Review for Fish Habitat and Site Evaluation Studies" by Palmer, dated October 5, 2021.
 - c. Require that any changes or upgrades to the existing septic system be completed by a licensed septic tank installer, and located outside slopes in excess of 20% grade.
- (7) Confirmation that the existing ice hut on the subject lands has been removed.
- (8) That the owner enters into a Development Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and this Agreement be registered on the title of the severed and retained lands. The agreement shall state:
- a. that the severed and retained lots be developed in accordance with the following studies: "Site Evaluation and Impact Assessment" by FRi CORP Ecological Services, dated February 2021; "Fish Habitat Evaluation" by FRi CORP Ecological Services, dated June 10, 2021; "Site Evaluation Report – Proposed Severed Lot" by FRi CORP Ecological Services, dated June 11, 2021; "1-1810 Fox Point Road, Township of Lake of Bays – Peer Review for Fish Habitat and Site Evaluation Studies" by Palmer, dated October 5, 2021; and required slope stability analysis and stormwater management plan by a qualified geotechnical professional; and
 - b. that a development permit application be submitted prior to development and/or redevelopment of the severed and retained lots to ensure that the recommendations of the Site Evaluation and Impact Assessment, Fish Habitat Evaluation, Site Evaluation Report – Proposed Severed Lot, Peer Review for Fish Habitat and Site Evaluation Studies, and required slope stability analysis and stormwater management plan for the severed lot (to be completed by a qualified geotechnical professional and submitted to the satisfaction of the Township) are implemented.
- (9) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in accordance with By-law No. 00-04.
- (10) That an entrance permit from the Township's Public Works Department be submitted for the severed lot, and a copy be provided to the Secretary-Treasurer.
- (11) That any outstanding balances related to the subject application be paid to the Township of Lake of Bays in accordance with the Cost Acknowledgement Agreement.

REASONS:

1. The Committee of Adjustment is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will serve to create one new parcel of land, for residential purposes, having frontage on Lake of Bays and access on Fox Point Road, a year-round maintained (Township) road.

Mike Peppard
Signature of Member
of Committee

Bob Lacroix
Signature of Member
of Committee

Nancy Tapley
Signature of Member
of Committee

George Anderson
Signature of Member
of Committee

Jacquie Godard
Signature of Member
of Committee

Rick Brooks
Signature of Member
of Committee


Signature of Chairperson

CERTIFICATION

(The Planning Act, R.S.O. 1990, chapter 13, Sections 45(10) and (12))

I, April Best-Sararas, Deputy Secretary-Treasurer of the Committee of Adjustment of the Corporation of the Township of Lake of Bays, in the District Municipality of Muskoka, certify that the decision for Consent Application **B 14/21 LOB (Davison)** is a true copy of the decision of the Committee with respect to the application recorded therein.

Dated this 29th day of October, 2021



April Best-Sararas, Deputy Secretary-Treasurer
Committee of Adjustment
Township of Lake of Bays
Dwight, ON P0A 1H0

APPEALING THE DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL:

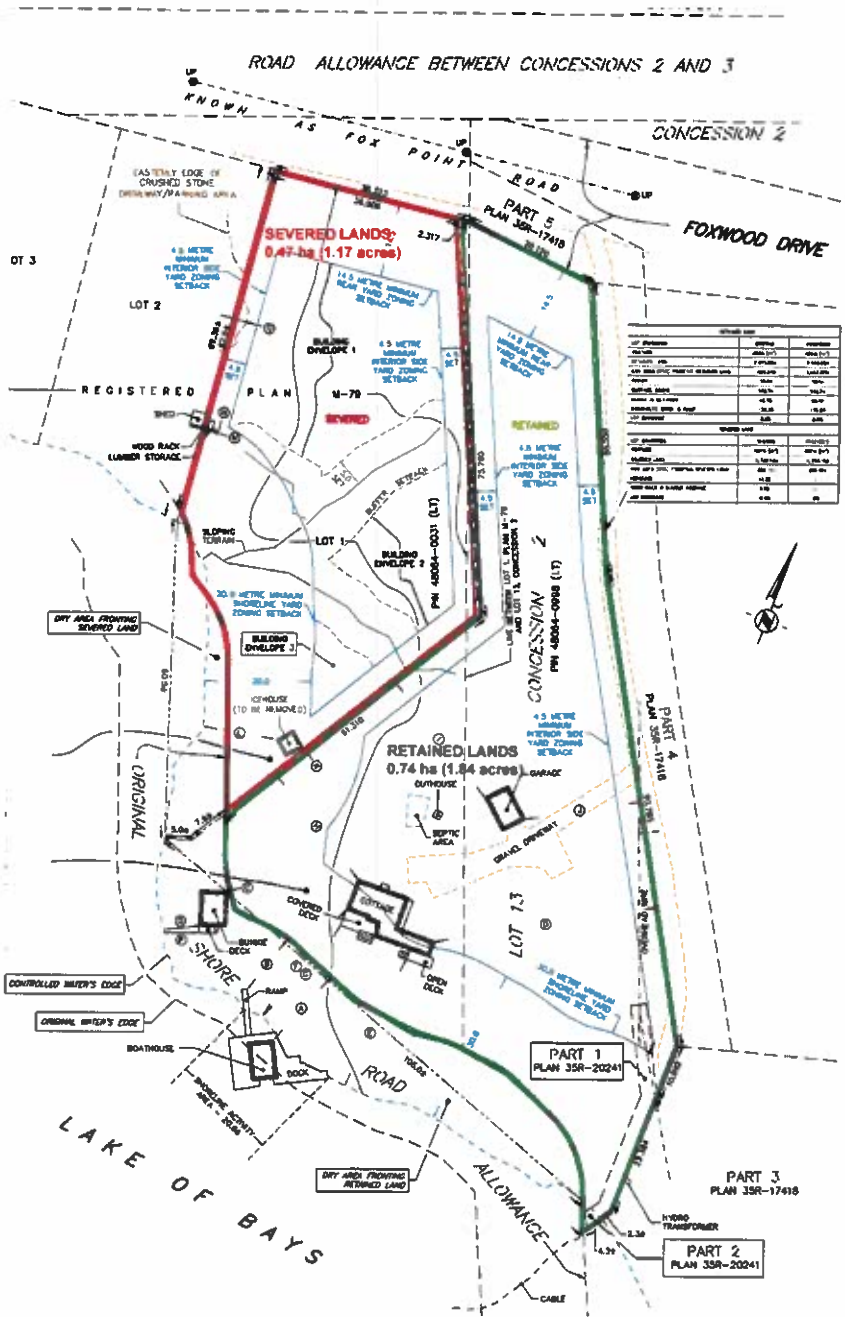
LAST DAY FOR APPEALING TO THE TRIBUNAL: November 18th, 2021.

The applicant, the Minister or any other person who has interest in the matter may appeal to the Local Planning Appeal Tribunal (LPAT) against the decision of the Committee, by serving personally or sending by registered mail, to the Secretary Treasurer of the Committee, notice of appeal accompanied by the fee required by LPAT as payable on an appeal from a Committee of Adjustment to the Tribunal. For additional information, or an application form, please visit www.olt.gov.on.ca.

Forwarded by Mail on: October 29th, 2021.

- c.c. Solicitor (if applicable)
- Agent (if applicable)
- Applicant
- Stephen Watson, Chief Building Official

SCHEDULE "A"
CONSENT APPLICATION B 14/21 LOB (Davison)
Part of Lot 13, Concession 2, Franklin
1810-1 Fox Point Road, Roll Nos. 010-013-09300



TOTAL AREA		
USE	AREA (sqm)	AREA (acres)
SEVERED LANDS	4700	1.17
RETAINED LANDS	7400	1.84
TOTAL	12100	3.01

BUILDING VOLUME		
USE	VOLUME (cu m)	VOLUME (cu ft)
SEVERED LANDS	1000	35.3
RETAINED LANDS	2000	70.6
TOTAL	3000	105.9

