
To: Melissa Markham, Director of Planning Services

From: April Best-Sararas, Planner

Date: September 30, 2021

Subject: Consent Applications B 23/21 LOB (Peden & Donkers)
and B 24/21 LOB (Saunders), 1188-4 & 1188-2 Delbrooke
Road, Roll Nos. 010-020-08700 & 010-020-08800

Report Highlights

- creation of an easement for a right-of-way to provide vehicular and pedestrian access for abutting property owners
- creation of easements for the use of landscaping and parking, and the maintenance of same, on abutting properties
- to abandon an existing right-of-way, which is not in the location of the travelled road
- previous applications B 04/16 LOB & B 05/16 LOB, as well as B 12/17 LOB & B 13/17 LOB, proposing the same easements, lapsed
- as these applications are consistent with the 2020 Provincial Policy Statement and generally conforms to both the District and Township Official Plans, staff has no concerns with the approval of these applications, subject to the conditions outlined in this report

Recommendation

WHEREAS the Director of Planning Services of the Corporation of the Township of Lake of Bays hereby receives the staff report “Consent Applications B 23/21 LOB (Peden & Donkers) and B 24/21 LOB (Saunders), 1188-4 & 1188-2 Delbrooke Road, Roll Nos. 010-020-08700 & 010-020-08800” dated September 30, 2021.

BE IT RESOLVED THAT Consent Application B 23/21 LOB (Peden & Donkers), to provide an easement for a right-of-way for access over an existing driveway to the abutting northerly property, owned by John and Marilyn Saunders at 1188-2 Delbrooke Road (010-020-08800), and the abutting southerly property, owned by Lorreen & Mark Boehmer (010-020-08600), as well as to provide an easement for maintenance of landscaping and parking in favour of the abutting northerly property, owned by John and

Marilyn Saunders at 1188-2 Delbrooke Road (010-020-08800) be **APPROVED** subject to the Provisional Decision attached to the staff report as Appendix “B”.

FURTHER BE IT RESOLVED THAT Consent Application B 24/21 LOB (Saunders), to provide an easement for maintenance of landscaping and parking in favour of the abutting southerly property owned by David Peden, Alison Donkers, & Martha Peden at 1188-4 Delbrooke Road (010-020-08700) be **APPROVED** subject to the Provisional Decision attached to the staff report as Appendix “C”.

Origin

These applications were received from Lanny Dennis of Wayne Simpson & Associates on behalf of David Peden, Alison Donkers, & Martha Peden as well as John and Marilyn Saunders, landowners.

Application

The purpose of application B 23/21 LOB (Peden & Donkers) is to provide an easement for a right-of-way for access over an existing driveway to the abutting northerly property, owned by John and Marilyn Saunders at 1188-2 Delbrooke Road (010-020-08800), and the abutting southerly property, owned by Lorreen & Mark Boehmer at 1188-6 Delbrooke Road (010-020-08600); as well as to provide an easement for maintenance of landscaping and parking in favour of the abutting northerly property, owned by John and Marilyn Saunders at 1188-2 Delbrooke Road (010-020-08800). This property was subject to a previous consent applications B 04/16 LOB and B 12/17 LOB (Peden), which lapsed.

The purpose of application B 24/21 LOB (Saunders) is to provide an easement for maintenance of landscaping and parking in favour of the abutting southerly property owned by David Peden, Alison Donkers, & Martha Peden at 1188-4 Delbrooke Road (010-020-08700). This property was subject to a previous consent applications B 05/16 LOB and B 13/17 LOB (Saunders), which lapsed.

Analysis

Property Information		
Property Location	Roll No. 010-020-08700 (1188-4 Delbrooke Road)	Roll No. 010-020-08800 (1188-2 Delbrooke Road)
Official Plan Designation	Waterfront	Waterfront
Zoning By-law 2004-180	Waterfront Residential “WR”	Waterfront Residential “WR”
Waterbody	Lake of Bays	Lake of Bays
Road	Delbrooke Road	Delbrooke Road

Existing Buildings and Structures	<ul style="list-style-type: none"> detached dwelling and boathouse 	<ul style="list-style-type: none"> detached dwelling, garage, dock and boathouse
Site Characteristics	<ul style="list-style-type: none"> well vegetated with a mix of mature deciduous and coniferous vegetation and is relatively level 	<ul style="list-style-type: none"> well vegetated with primarily coniferous trees and is relatively level
Natural Constraints: <i>obtained from Official Plan & District Web Map</i>	<ul style="list-style-type: none"> “Type 2” fish habitat Deer wintering habitat (Stratum 2) 	<ul style="list-style-type: none"> “Type 2” fish habitat Deer wintering habitat (Stratum 2)
Previous/Current Files:	<ul style="list-style-type: none"> B 04/16 LOB – lapsed (same as B 12/17 LOB) B 12/17 LOB – also lapsed (same as B 23/21 LOB) 	<ul style="list-style-type: none"> B 07/13 LOB (Bell Phone easement) B 05/16 LOB – lapsed (same as B 13/17 LOB) B 13/17 LOB – lapsed (same as B 24/21 LOB) DP 053-2011 – Demolish and replace an existing dwelling with attached deck within the required shoreline yard setback DP 044-2016 – siting permit for activity within the shoreline
Original Shore Road Allowance (OSRA)	<ul style="list-style-type: none"> Open Have recently applied to close OSRA (File 21-20) 	<ul style="list-style-type: none"> Closed by By-law 2019-019

Appropriateness of the Application

- these applications do not propose the creation of a new lot, but rather will serve to provide the conveyance of a right-of-way in order to legalize access over an existing driveway to the abutting northerly and southerly properties and provide access for parking and landscaping, and the maintenance of same
- Section H.26 states that in order of preference, development of shoreline lots may be permitted with the following access: a) seasonally maintained, public road; b) a private road, with a legal right of way
- there is an existing legal registered right-of-way; however, it is not in the location of the driveway. Therefore, this right-of-way will be abandoned as a condition of the consent applications
- this proposal was originally submitted under applications B 04/16 LOB & B 05/16

LOB, which lapsed on June 14, 2017, as the conditions had not been fulfilled

- application B 12/17 LOB lapsed on November 14, 2018 as the condition of applying to the Township Clerk's Department to address the structure situated on the Original Shore Road Allowance (OSRA) lying in front of the subject lands was not fulfilled prior to the lapse date of the provisional decision. Through circulation of the application, the Township's Clerks Department indicated that Peden & Donkers have applied to close the OSRA fronting the subject lands (under File No. 21-20); therefore, this condition has been fulfilled, and submission of Transfer in Preparation and Long Form Certificate is required to finalize the consent
- all conditions of B 13/17 LOB were fulfilled prior to the lapsing date of November 14, 2018; however, as B 12/17 LOB was not finalized, the Long Form Certificate was not issued for B 13/17 LOB at the request of the applicants to ensure the exchange of rights-of-way occurred concurrently. As the Planning Act requirements have expired for issuance of the Long Form Certificate, this application is also being brought forward under B 24/21 LOB together with B 23/21 LOB for finalization
- as these applications are consistent with the 2020 Provincial Policy Statement and generally conforms to both the District and Township Official Plans, staff has no concerns with the approval of these applications, subject to the conditions outlined in this report

Public/Agency Comments:

Clerk's Department	<ul style="list-style-type: none">• No concerns. Saunders OSRA was closed by By-law 2019-019. Peden has applied just recently to close their OSRA (File 21-20).
Building Department	<ul style="list-style-type: none">• No concerns.
Public Works Department	<ul style="list-style-type: none">• No concerns as of the date of this report.
Fire Department	<ul style="list-style-type: none">• No concerns as of the date of this report.
District of Muskoka Planning	<ul style="list-style-type: none">• No concerns.
Hydro One	<ul style="list-style-type: none">• No comments or concerns.

Alternatives

Upon review of the proposal, the Director of Planning Services of the Corporation of the Township of Lake of Bays may choose one of the following options:

- Deny the application;
- Defer the application; or
- Approve the application (refer to recommendation).

Linkage to the Community-Based Strategic Plan

- Engage and communicate openly with the community;
- Develop long-term land and community plans that are balanced and adaptive;
- Protect, preserve and promote our healthy natural environment.

Date of Report: September 30, 2021

Approvals

Prepared by:

April Best-Sararas, MCIP, RPP
Planner

Attachments

- Appendix “A” – Location Map
- Appendix “B” – Provisional Decision for B 23/21 LOB
- Appendix “C” – Provisional Decision for B 24/21 LOB

References

- 2020 Provincial Policy Statement
- Township of Lake of Bays Official Plan, as adopted on January 12, 2016 by By-laws 2016-005 & 2016-049
- By-law 04-180, being the Development Permit Zoning By-law
- Muskoka Web Map
- Archived documents in Laserfiche
- Consent Applications B 04/16 LOB & B 05/16 LOB
- Consent Applications B 12/17 LOB & 13/17 LOB

Appendix "A" Location Map



Appendix “B”

PROVISIONAL DECISION

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

Files: **B 23/21 LOB**

Applicant(s): **David Peden, Alison Donkers, & Martha Peden**

Application for Consent for: **Easement for Right-of-way, Parking and Landscaping**

Location: **Part Lot 4, Con. 1, Franklin Ward, on Lake of Bays**

Parent Roll Nos.: **010-020-08700**

Date of Decision: **September 30, 2021**

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

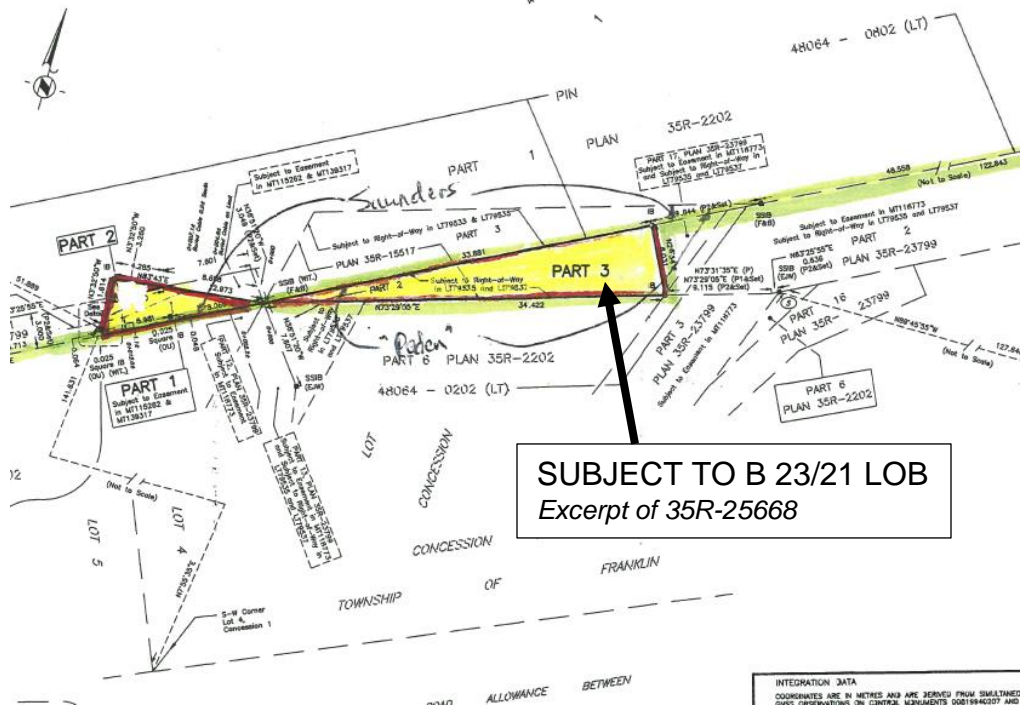
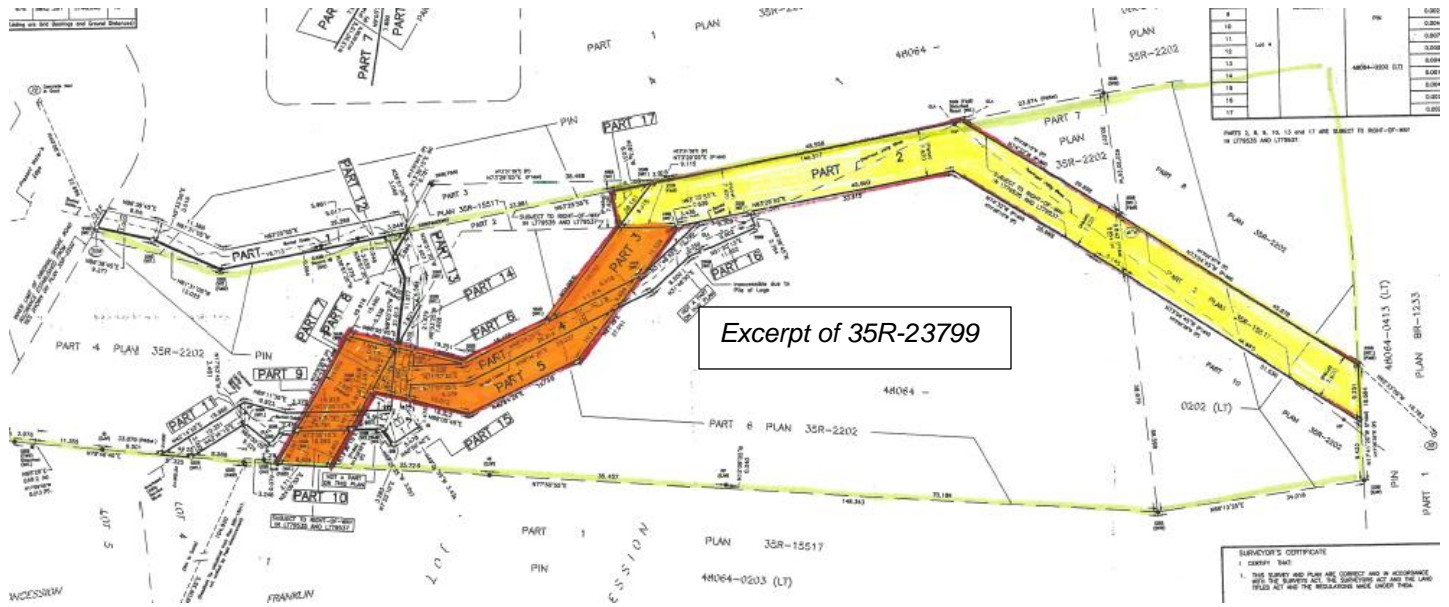
THAT Consent will be GRANTED provided:

- (1) That a “Transfer in Preparation” and a “Long Form Certificate” for the access and landscaping/parking easements identified in Plans 35R-23799 & 35R-25668 be provided to the Director of Planning Services.
- (2) 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 Director of Planning Services is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will serve to provide an easement for a right-of-way to the northerly abutting property owned by John and Marilyn Saunders under Roll No. 010-020-08800, as well as to the southerly abutting property owned by Mark and Lorreen Boehmer, under Roll No. 010-020-08600; and an easement for parking and landscaping, and maintenance of same, to the northerly abutting property owned by John and Marilyn Saunders under Roll No. 010-020-08800.

SCHEDULE "A"
CONSENT APPLICATION B 23/21 LOB (Peden & Donkers)
Part Lot 4, Con. 1, Franklin Ward
1188-4 Delbrooke Road, Roll No. 010-020-08700



INTEGRATION DATA
 COORDINATES ARE IN METRES AND ARE DERIVED FROM SIMULTANEOUSLY
 MONITORING STATION NO. 00819940207 AND

Appendix “C”

PROVISIONAL DECISION

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

Files: **B 24/21 LOB**

Applicant(s): **John and Marilyn Saunders**

Application for Consent for: **Easement for parking and landscaping**

Location: **Part Lot 4, Con. 1, Franklin Ward, on Lake of Bays**

Parent Roll Nos.: **010-020-08800**

Date of Decision: **September 30, 2021**

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

THAT Consent will be GRANTED provided:

- (1) That a “Transfer in Preparation” and a “Long Form Certificate” for the landscaping/parking easement identified in Plan 35R-25668 be provided to the Director of Planning Services.
- (2) 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:

2. The Director of Planning Services is satisfied that the consent application generally conforms to the intent of the Township Official Plan and will serve to provide an easement for parking and landscaping, and maintenance of same, to the southerly abutting property owned by David Peden, Alison Donkers, & Martha Peden under Roll No. 010-020-08700.

SCHEDULE "A"
CONSENT APPLICATION B 24/21 LOB (Saunders)
Part Lot 4, Con. 1, Franklin Ward
1188-2 Delbrooke Road, Roll No. 010-020-08800

