

## **PROVISIONAL DECISION**

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

Files: **B 28/21 LOB**

Applicant(s): **James Hurley & Elissa Boughen**

Application for Consent for: **Lot Creation**

Location: **Part of Lot 14, Concession 11, Franklin**

Parent Roll Nos.: **010-008-09500**

Date of Decision: **September 28, 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 lands be rezoned from Rural "(RU)" to a Rural One "(RU1)" with an exception Zone to require a Site Plan Agreement or similar municipal agreement to be entered into to ensure that vegetation in areas outside of the building, septic and road envelopes be preserved in order to address Section D.130 (Deer Wintering Habitat), and to ensure that development will be located and occur in such a way that vegetation required for shelter and food is substantially preserved; to retain a vegetative buffer of at least 6 metres (19.7 ft.) in depth along 75% of the front lot line abutting the road on the severed lands; and further to implement an appropriate side yard setback for all development to ensure development is located outside of lands identified as "extreme" wildland fire hazard risk.
- (6) That the existing Environmental Protection "(EP)" Zoning be expanded on the retained lands to state that no development or site alteration be permitted within 120 metres (394 ft.) of the approximate boundary of Boyne Creek Provincially Significant Wetland, unless a wetland impact assessment demonstrates that there will be no negative impact on the natural features or ecological functions of that wetland; to require that access to future development on the retained lands be limited to Dwight Beach Road to protect the Boyne Creek Wetland; and further to retain a vegetative buffer of at least 6 metres (19.7 ft.) in depth along 75% of the front lot line abutting the road on the retained lands.
- (7) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in accordance with By-law No. 00-04.
- (8) That the owners apply for an entrance permit from the Township's Public Works Department for the severed lot, and a copy be provided to the Secretary-Treasurer.
- (9) 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.

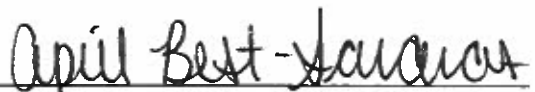


**CERTIFICATION**

(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 28/21 LOB (Boughen & Hurley)** is a true copy of the decision of the Committee with respect to the application recorded therein.

**Dated this 1<sup>st</sup> day of October, 2021**



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

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**APPEALING THE DECISION TO THE LOCAL PLANNING APPEAL TRIBUNAL:**

**LAST DAY FOR APPEALING TO THE TRIBUNAL: October 21<sup>st</sup>, 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](http://www.olt.gov.on.ca).

**Forwarded by Mail on: October 1<sup>st</sup>, 2021.**

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

**SCHEDULE "A"**  
**CONSENT APPLICATION B 28/21 LOB (Boughen & Hurley)**  
**Part of Lot 14, Concession 11, Franklin**  
**1283 Dwight Beach Road (north of Dwight Beach Road, Roll No.**  
**010-008-09500**

