

PROVISIONAL DECISION

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

Files: **B 30/21 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; 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.
- (6) That the retained lands be rezoned from Rural "(RU)" to a Rural Residential "(RR)" 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; 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.
- (7) That the existing Environmental Protection "(EP)" Zoning be expanded on the severed lands to state that no development or site alteration be permitted within 120 metres (394 ft.) from 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; and further to require that access to future development on the property be limited to Dwight Beach Road to protect the Boyne Creek Wetland.
- (8) That cash-in-lieu of parkland dedication be paid to the Township of Lake of Bays in accordance with By-law No. 00-04.
- (9) That the owners apply for an entrance permit from the Township's Public Works Department for the severed and retained lots, and a copy be provided to the Secretary-Treasurer.
- (10) 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.

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REASONS:

1. The Committee 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 future residential purposes, having frontage and access on Dwight Beach 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

SEE PAGE 3 FOR LAST DATE OF APPEAL

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 30/21 LOB (Boughen & Hurley)** is a true copy of the decision of the Committee with respect to the application recorded therein.

Dated this 1st 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: October 21st, 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 1st, 2021.

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

SCHEDULE "A"
CONSENT APPLICATION B 30/21 LOB (Boughen & Hurley)
Part of Lot 14, Concession 11, Franklin
1283 Dwight Beach Road (north of Dwight Beach Road, Roll No.
010-008-09500

