



# Committee Report

**To:** Councillor Steve Hammell, Chair and  
Members of the Planning and Development Committee

**From:** Claire Dodds  
Director of Planning and Development

**Date:** December 15, 2022

**Re:** Consent Application B-2022-087 (Boat Lake co Gibbons)

## Staff Recommendation:

That Consent B-2022-087 - Boat Lake c/o Gibbons be approved; and

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

## Summary:

The application proposes to sever an approximate 433 m<sup>2</sup> parcel of land owned by the Boat Lake Cottage Association (BLCA) and add it to the applicant's property. The proposed boundary adjustment would correct an encroachment of a well. A portion of the lands are currently used as a private lane primarily for water access to Boat Lake (in the Town of South Bruce Peninsula).

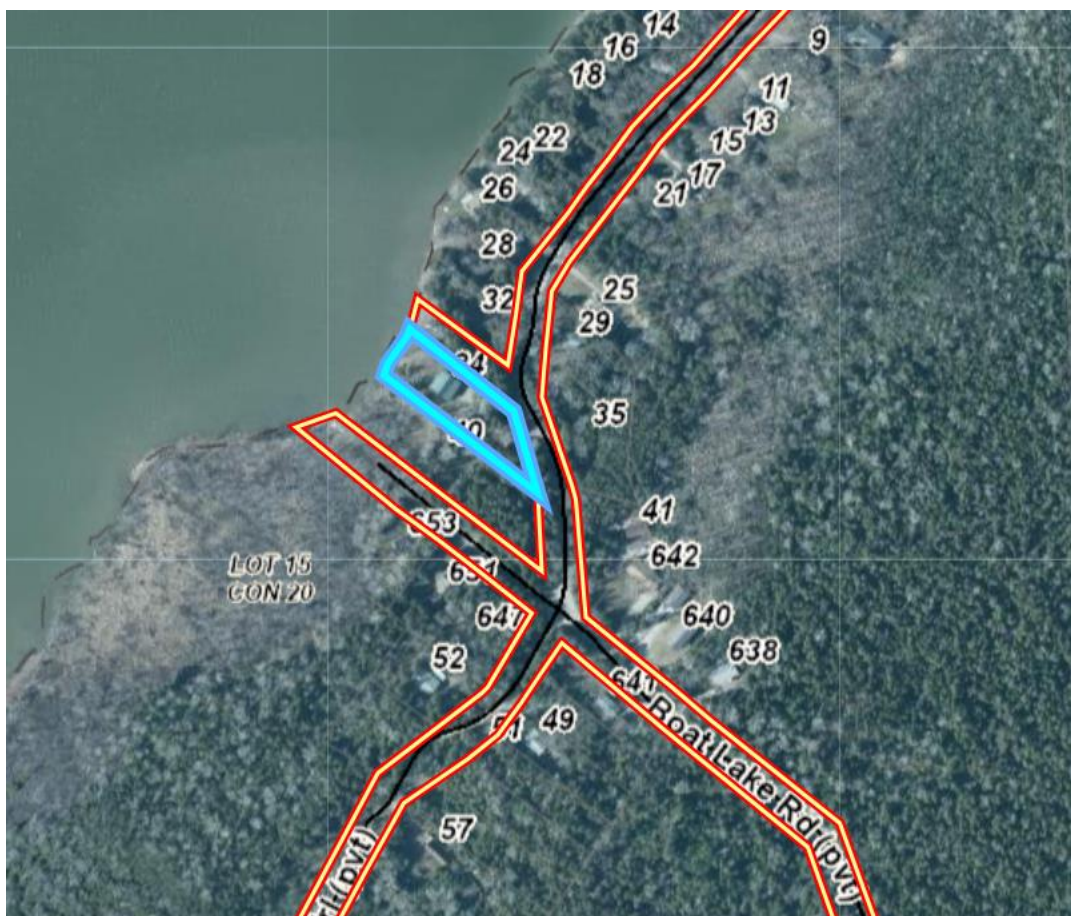
The application is referred to committee due to the comments received by members of the Boat Lake Cottagers Association regarding the decision to transfer lands and regarding fire access concerns, which have been addressed by the Town. Staff are prepared to certify a smaller lot addition if it would resolve issues between the parties and have included this opportunity in the proposed conditions.

## Alignment with Guiding Principles:

	<b>GOOD GROWTH</b> To put growth in the right locations with the right services		<b>AGRICULTURE</b> To support our key economies, including supporting a thriving agriculture community		<b>CONNECTING</b> To improve our ability to move people, goods, and information between communities
	<b>HOMES</b> To increase the supply and mix of homes		<b>BUSINESS</b> To create opportunities for a diversity of businesses, jobs, and employers		<b>COMMUNITIES</b> To create wellbeing through access to healthy complete communities
	<b>HERITAGE</b> To identify and manage our cultural heritage resources		<b>NATURAL LEGACY</b> To manage natural resources wisely for future generations		

The Guiding principles do not apply to this lot addition.

## Airphoto



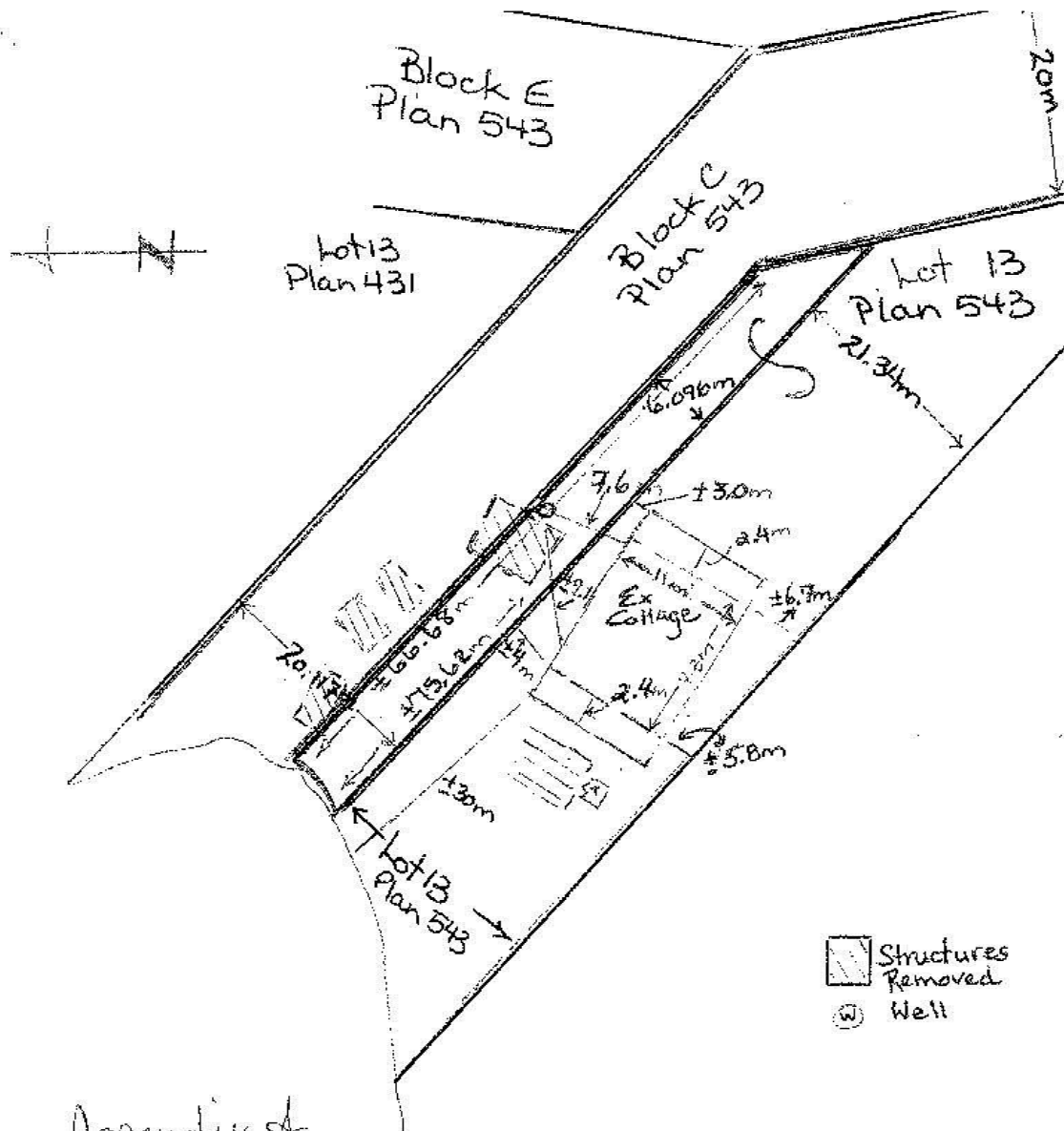


## Site Photos





# Site Plan



Appendix A.  
SITE PLAN  
- Existing Uses

Prepared: January 21, 2022  
B.A. NICOLSON PLANNING

THIS IS NOT A SURVEY

NOT TO SCALE  
METRIC MEASURE

## Planning Analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

### Lot Addition Overview

The applicants, the Gibbons, use a well to service their cottage on Boat Lake, however, the well is located on the neighbouring lands, which is owned by the Boat Lake Cottagers Association (BLCA). The lands serve as a right of way for the Cottage Association and provide an access point to Boat Lake. The proposed consent seeks to adjust the existing lot lines to include the well on the same lot as the dwelling it serves. The proposed addition is approximately 6 metres wide and the depth of the receiving parcel is approximately 66 metres. The total area to be added to the existing lot would be 433 square metres.

The road allowance is currently owned by the BLCA, and the receiving parcel is owned by the Gibbons. Upon purchasing the property the Gibbons entered into an agreement with the BLCA to remove several existing dilapidated buildings from the road allowance. The cost of removing the buildings was borne by the Gibbons in exchange for the well and the land adjacent. The agreement was reached between the BLCA and the Gibbons through consultation with a lawyer. The land transfer agreement was signed by the former BLCA president and the Gibbons in the presence of a lawyer.

### Public Comments

Our office received comments from several members of the community. In general, concerns were raised regarding the specifics of the land transaction. Some of the BLCA members believe that additional options were not considered for the Gibbons to obtain the well, the value of the land was not taken into account and that they were not appropriately consulted. It is understood that lawyers representing both parties were consulted throughout the process. These issues appear to be civil in nature and cannot be addressed through the land use planning process.

The public commenters also object to the fact that they will be losing 6 metres of waterfront lands, that they previously used to access Boat Lake.

Staff would also be supportive of an alternative configuration, if agreed to by the BLCA and the Gibbons that would result in a smaller area of lands being conveyed from BLCA to the Gibbons.

The other matter that was raised through the commenting process was the concern that the existing road allowance was utilized as a fire access. The South Bruce Peninsula Emergency Department did not note any concerns through the request for comment circulation. In speaking with the fire chief, it was clarified that this access is not deemed as a fire route in the Town's by-law. Additionally, the access would still meet fire route guidelines, if it was reduced by 6 metres.

The natural landscape of the access route should be considered as well. The road allowance is tree covered with a path slightly wider than a vehicle. It should be noted that there were previously buildings on the road allowance.

### Zoning and Official Plans

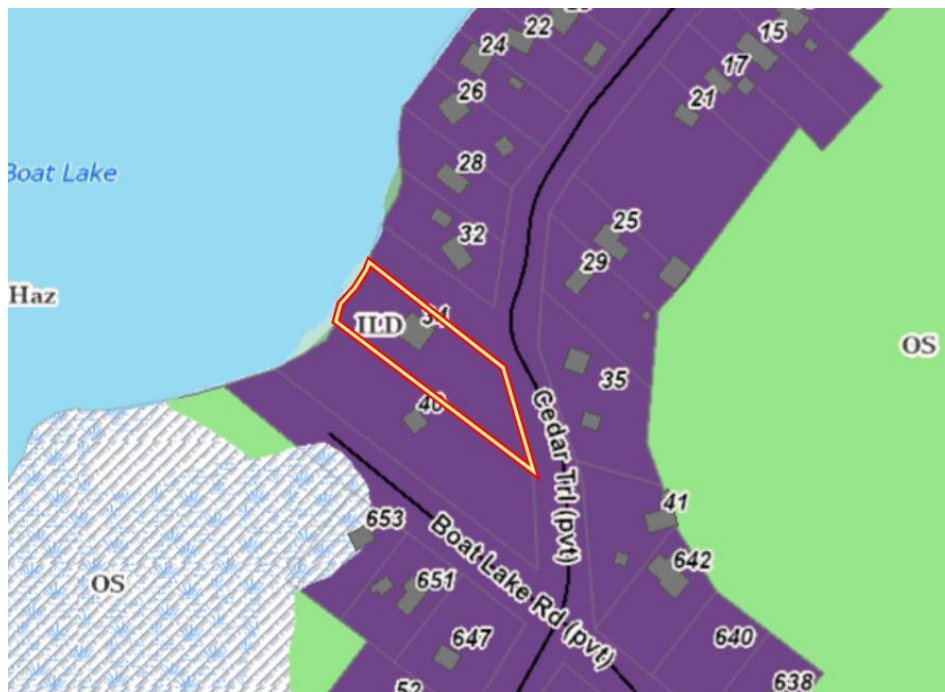
The property is zoned Resort Residential with a special provision for relief from Section 6.13 Frontage on a Municipal Road. While the proposed amendment does not result in 34 Cedar Trail meeting the minimum lot size as required in the zoning by-law, it is increasing the size and therefore making the lot 'better' or closer to meeting the by-law.

The County Official Plan designates the property as Inland Lake Development, and the South Bruce Peninsula Official Plan designates the property as Shoreline Development. The lot adheres to the permitted uses of the designations of the local and county official plans. While the local official plan does not require a minimum lot size, the county official plan requires a minimum lot size of 4047 square metres. Again, while the receiving lot does not meet the 0.4 ha requirement, it is better off being enlarged. Therefore, the proposal meets the local and county official plan requirements.

### Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice

### County Official Plan Map (Designated Inland Lake Development)



The map shows a portion of Cedar Valley, Iowa, with a yellow background representing land. A blue area on the left is labeled 'Lake'. A red-outlined polygon in the center is labeled 'R2-C'. Surrounding this area are various lot numbers (e.g., 20, 21, 24, 25, 26, 28, 29, 32, 35, 40, 41, 46, 640, 642, 647, 651, 654) and street names like 'Cedar Valley Road' and 'Boat-Lake Road'. A green area on the right is labeled 'EH'. A blue area at the bottom left is labeled 'EH'.

## **Agency Comments**

South Bruce Peninsula Public Works: Properties do not front on an open, municipally maintained road; garbage and recycling collection occurs, but there is no road maintenance. This will not change.

South Bruce Peninsula, other departments: no concerns

Grey Sauble Conservation Authority: No objections; see full comments attached

Municipality:

- Verified conditions on November 17, 2022

## **PUBLIC COMMENTS**

Please see attached full public comments.

### **Report Author:**

Megan Stansfield, Planner

### **Departmental Approval:**

Claire Dodds

Director of Planning and Development

### **Approved for Submission:**

Derrick Thomson

Chief Administrative Officer