



R 890304

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 34 of the  
Planning Act, 1983

IN THE MATTER OF an appeal by Phil  
Netterman against Zoning By-law 15-89  
of the Corporation of the Township of  
Wollaston

B E F O R E :

P. G. WILKES  
Vice-Chairman

- and -

R. D. M. OWEN  
Member

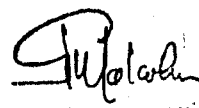
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Wednesday, the 11th day  
of October, 1989

THE APPEAL having been withdrawn;

THE BOARD ORDERS that the appeal against Zoning By-law 15-89 is  
hereby dismissed.

  
SECRETARY

<b>ENTERED</b>
O.B. No. <u>R89-1</u> .....
Folio No. <u>187</u> .....
<b>NOV 07 1989</b>

SECRETARY, ONT. MUNICIPAL BOARD

THIRD READING

No. 15

COUNCIL OF Wollaston SESSION April 7 19 89

Moved by Norman Cahin Seconded by Bailey

That a By-law to rezone part Lot 9, Concession 9 from RU to SR-1.

as reported by the Committee of the Whole be read a third time, passed and numbered and that the said by-law be signed by the and clerk, sealed with the seal of the Corporation, and be engrossed in the By-law Book.

Carried. Floris Danford

SECOND READING

No. 15

COUNCIL OF Wollaston SESSION, April 7 19 89

Moved by Albert Uades Seconded by Norman Cahin

That a By-law to rezone part Lot 9, Concession 9 from RU to SR-1.

be read a second time and be referred to a committee of the whole council.

Carried. Floris Danford

FIRST READING

No. 15

COUNCIL OF Wollaston Sup SESSION, April 7 19 89

Moved by Bailey Seconded by Albert Uades

That a By-law to rezone Pt. Lt. 9 C 9 from RU to SR1

be received and read a first time.

Carried. Floris Danford

(NORTHLAND)

No. 426— MUNICIPAL WORLD LIMITED, ST. THOMAS, ONT.

THE CORPORATION OF THE TOWNSHIP OF WOLLASTONBY-LAW NO: 15 - 89

A By-law to amend By-Law 8-87 being a By-Law to Regulate the Use of Land Height, Bulk, Location, Spacing, Character, and Use of Buildings.

WHEREAS By-Law 8-87, being the Comprehensive Zoning By-Law of the Township of Wollaston, Zones part of Lot 9, Concession 9 as "RU" (Rural);

AND WHEREAS an application for the rezoning of parts of Lot Concession 9, to "SR-1 (Special Seasonal Residential)" has been made to permit the development of cottages accessible by means of a private right-of-way, pursuant to a condition of consent of the Hastings County Land Division Committee;

AND WHEREAS, the Council of the Corporation of the Township of Wollaston deems it advisable to amend the Township's Comprehensive Zoning By-Law NO: 8-79;

NOW, THEREFORE the Council of the Corporation of the Township of Wollaston enacts as follows:

1. That part of Lot 9, Concession 9, in the Township of Wollaston as shown on the attached Schedule 1 be and the same are hereby rezoned from "RU (Rural)" to "SR-1 (Special Seasonal Residential)";
2. The use of the subject lands shall be in conformity with the standards of the "SR (Seasonal Residential)" zone and applicable General Provisions of By-Law 8-79 as amended except with respect to access,
3. Notwithstanding the provisions of Section 9.7 of By-Law 8-79 development in the SR-1 zone is permitted where permanent legal access is available from a resistered right-of-way m (66 Ft.) in width,
4. AND WIEREAS an agreement has been entered into between the owners of the lands and the Municipality relating to the maintenance of a private right-of-way, and such agreement is to be registered on the tittle to the subject lands,
5. This By-Law shall come into force and take effect on the date of passing providing no notice of appeal is filed within thirty five days of the date of passing of this By-Law. In the event that an appeal is filed, this By-Law shall not come into effect until finally disposed of by the Ontario Municipal Board.

Read a First, Second and Third time and finally passed this 7<sup>th</sup> day of April, 198<sup>9</sup>

Betty Wilson  
Clerk-Treasurer

Gloris Sanford  
Reeve

SCHEDULE "B" TO BY-LAW

The minimum frontage and area of each lot shall be restricted to those approximate dimensions listed below and as shown on Schedule "C" being part of Reference Plan 21R-11625.

<u>LOT</u>	<u>PARTS ON REF. PLAN 21R-11625</u>	<u>FRONTAGE (IN FT.)</u>	<u>AREA (ACRES)</u>
1	1	1,327.75 (Township Road)	37.524
2	2 & 3	1,384.46	34.269
3	4	721.30	9.782
4	5,6 & 7	657.29	9.249
5	8	1,636.13	8.73
6	9	439.03	3.6
7	10,11,12	1,959.55	21.368
8	13,14,15	1,398.69 (Right-of-way)	29.544
9	16,17,18	478.79	16.733
10	19,20,21	453.22	7.678
11	22,23,24	445.77	5.769
12	25,26,27	473.9	5.031
13	31,32,33	409.85	3.857
14	34	450.0	4.6
15	28,29,30,35 & remainder of Inst. 2798 (approx. 210' x 210')	480.0	5.509

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THIS AGREEMENT DATED THE 7th DAY OF DECEMBER, 1989

B E T W E E N :

JARCAN HOLDINGS INC., a Company incorporated under the laws of the Province of Ontario.

hereinafter called the "Owner"

OF THE FIRST PART;

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

hereinafter call the "Township"

OF THE SECOND PART;

**WITNESSETH:**

1. The lands which are the subject of this agreement are described in Schedule "A" hereto and the right-of-way thereto and therefrom to the township travelled road is described on Schedule "B" hereto.
2. The parties agree that the right-of-way described on Schedule "B" hereto a private right-of-way for the benefit of the owner of the subject lands and is not a public highway and the parties agree that the township does not and shall not assume the said right-of-way for public use and that all construction, maintenance and repair of any road within the right-of-way, described on Schedule "B" shall be the sole responsibility of those making use of the said right-of-way and shall not under any circumstances be the responsibility of the township.
3. The parties agree that no acts of repair or maintenance or alleged act of repair or maintenance of the roadway within the right-of-way described on Schedule "B" hereto shall be deemed of itself to constitute assumption of such roadway for public use.

The owner agrees that any transfer from him to a purchaser of the subject premises shall refer to this agreement in the following terms:



- (a) "This transfer is subject to the terms of the agreement between the transferor and The Corporation of the Township of Wollaston, registered as No.
4. The owner agrees that he shall be responsible for registration of this agreement and will not sell or otherwise deal with the subject premises unless and until this agreement has been registered on the title to the subject premises, at the owner's expense.
5. The parties agree that this shall constitute an agreement pursuant to Section 52(2) and Section 50(6) of the Planning Act, 1983.

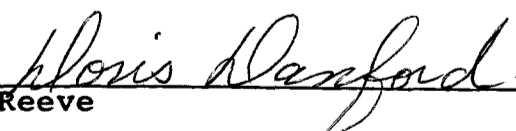
This Agreement shall ensure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto.

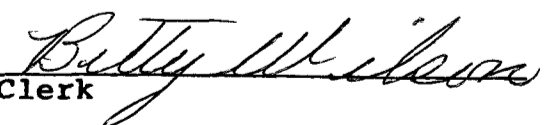
The parties hereto have executed this Agreement on the date first above written, and the parties have affixed their Corporate Seal duly attested to by their respective proper signing authority.

JARCAN HOLDINGS INC.  
Per:

  
\_\_\_\_\_  
Authorized Signing Officer

THE CORPORATION OF THE  
TOWNSHIP OF WOLLASTON

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Clerk

Schedule "A"

Part Lot 9, Concession 9, designated as Parts 1 to 17 inclusive and Part 20 on 21R-12958, Township of Wollaston, County of Hastings.

Schedule "B"

Firstly: Part Lot 9, Concession 9, designated as Parts 18 and 19 on Plan 21R-12958.

Secondly: Part of Lot 10, Concession 9, designated as Part 21 on Plan 21R-12958, Township of Wollaston, County of Hastings.