

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: April 28, 2009

RE: BY-LAW AMENDMENT APPLICATION: Z 04/09 LOB
Applicant: Howard Elliott
Agent: Nancy LeBlanc of Planscape
Part Lot 7, Concession 6, Franklin Ward, on Lake of Bays
Roll No. 010-019-00700
Civic Address: 25141 Highway No. 35

RECOMMENDATION:

That Application **Z 04/09 LOB (Elliott)**, for a site specific by-law amendment to fulfill a condition of the Committee of Adjustments' provisional approval for Consent Application **B 22/08 LOB** to create one new residential building lot and to permit the construction of a boat port, be **APPROVED** and that By-Law 09-29 be given three readings at this time.

ANALYSIS:

At their February 24th, 2009 meeting, Council decided to defer making a decision on this file at the request of the applicant in order to allow additional time in which to revise and re-circulate the application as it was noted that the proposed boat port projected further than the by-law permitted. A copy of the February 24th, 2009 report is attached for additional information.

CONSENT APPLICATION B 22/08 LOB

Members of Council may be familiar with this property and will recall that staff were supportive of Consent Application (**B 22/08 LOB**) for the purpose of creating one new residential lot.

Related to the Committee of Adjustment's Provisional Approval, Condition No. 2 requires relief to the required road frontage along Provincial Highway No. 35. As both the proposed severed and retained lots are accessed via an existing right-of-way and shared entrance, both the Muskoka and Lake of Bays Official Plans permit a reduction to the minimum Road frontage requirements along the Provincial highway.

With respect to the proposed severed lot, Condition No. 4 requires several additional considerations. Subsections (b) & (c) have been addressed and subsection (a) will be addressed through the issuance of a development permit to ensure portions of the shoreline yard have been re-established to a natural state.

In addition, the applicant is seeking increased lot coverage, it is recommended that development on the severed lot be limited to what is currently being proposed in this application. When looking at the whole lot, the total coverage on the entire lot would account for approximately 11%.

BOATHOUSE

With respect to the proposed boat port structure, Section D.17 of the Township's Official Plan allows for structures to extend beyond the normal controlled high water mark provided the following matters are addressed:

Navigation

The applicant has indicated that the lake appears to be very shallow along this reach of shoreline, and that the navigation and mooring of boats close to the shoreline would appear to be problematic. Furthermore, Transport Canada (authority having jurisdiction) has been circulated with the proposal.

Privacy and Views

When viewing the lake from the location of the proposed boat port structure, due to the depth of water, the shape of the shoreline and the extent of open water, the proposed structure should not impede the views out onto the lake or impact privacy.

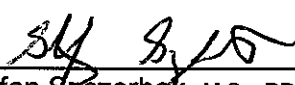
Natural Landscape and Design

The direction of the Township's Official Plan (H.21 and H.22), together with Sections 4.70 and 4.71 of the Development Permit By-law 04-180, promote a target of 25% of the shoreline frontage up to a maximum of 23 metres (76 feet) for maintenance of an appropriate balance between the natural shoreline and built form within the waterfront area.

Upon review of the plans, the dock and boat port structure are proposed to be a maximum of 66 feet in length. Together with the recognition of an additional 22 feet of natural beach area, this proposed shoreline activity area is within the 25% target for shoreline activity frontage. With respect to activity area coverage, the proposed structure is within the maximum coverage provision of the Development Permit By-law.

In view of the foregoing, as staff were supportive of Consent Application **B 22/08 LOB** and this application has been submitted to fulfil one of the conditions of the approval for the consent file, and as the authorities having jurisdiction (Transport Canada) have been circulated this application, staff would recommend that Council give three readings to the by-law as the application generally conforms to the intent and purpose of the Township and Muskoka Official Plans and the proposal is consistent with the Provincial Policy Statement.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-29**

BEING A BY-LAW TO AMEND BY-LAW 04-180 KNOWN AS THE DEVELOPMENT PERMIT BY-LAW (Elliott)

WHEREAS it is deemed expedient to amend By-law 04-180.

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. Schedule "A" to By-law 04-180 as amended, is hereby further amended by re-designating **Part Lot 7, Concession 6, Franklin Ward**, now in the Township of Lake of Bays, from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Residential with an Exception (WR-E199)**" and "**Waterfront Residential with an Exception (WR-E200)**" Development Permit Areas, as shown on the attached Schedule "B".
2. Section 7 of By-law 04-180 be amended by the addition of the following:

"WR-E199:

On lands designated "WR-E199", as shown on Schedule "B" attached to By-law 09-29, no person shall use any lot or erect, alter or use any building or structure except in accordance with the Waterfront Residential (WR) Development Permit Area designation permitted uses and amended by the following:

- a) Despite Section 2.20, a development permit is required to re-vegetate portions of the shoreline yard prior to any development or site alteration on the subject lands.
- b) Despite the requirements of Section No. 4.64 b), the maximum allowable extension for a covered boat port shall be 20 metres from the shoreline.
- c) Substituted Development Permit Designation Provisions:

i) MINIMUM ROAD FRONTAGE FOR NEW LOTS

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
Lot on a provincial highway	52 metres	None	Any

ii) MAXIMUM LOT COVERAGE

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
All other situations	8.9%	None	Any

iii) SHORELINE ACTIVITY AREA COVERAGE

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
All	39.2%	None	Any

WR-E200:

On lands designated "WR-E200", as shown on Schedule "B" attached to By-law 09-29, no person shall use any lot or erect, alter or use any building or structure except in accordance with the Waterfront Residential (WR) Development Permit Area designation permitted uses and amended by the following:

- a) Substituted Development Permit Designation Provisions:

iv) MINIMUM ROAD FRONTAGE FOR NEW LOTS

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
Lot on a provincial highway	59.7 metres	None	Any

3. Schedules "A" & "B" hereby forms part of this By-law.
4. All other provisions of By-law 04-180, as amended, shall apply.

READ a FIRST and SECOND time this 28th day of April, 2009.

Mayor

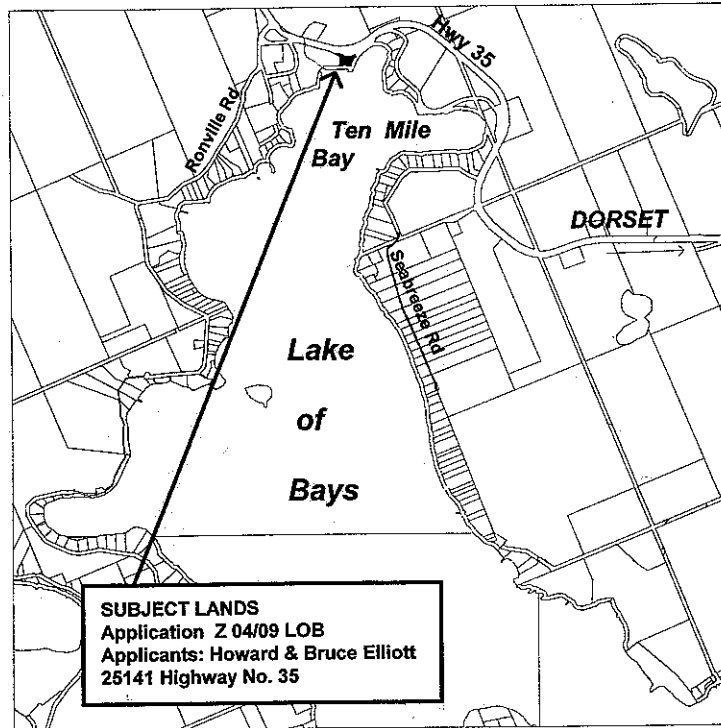
Deputy Clerk

READ a THIRD time and finally passed this 28th day of April, 2009.

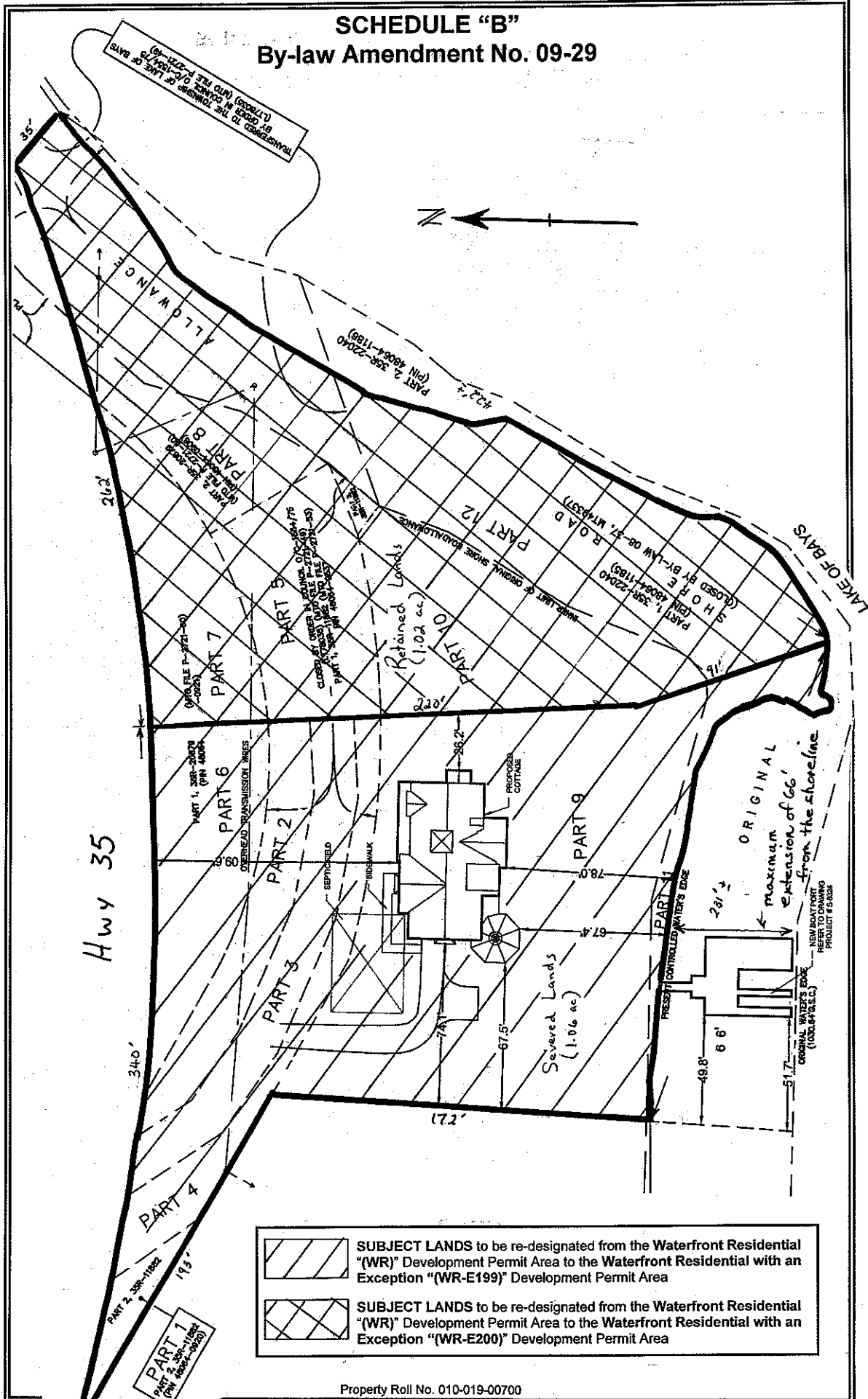
Mayor

Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-29



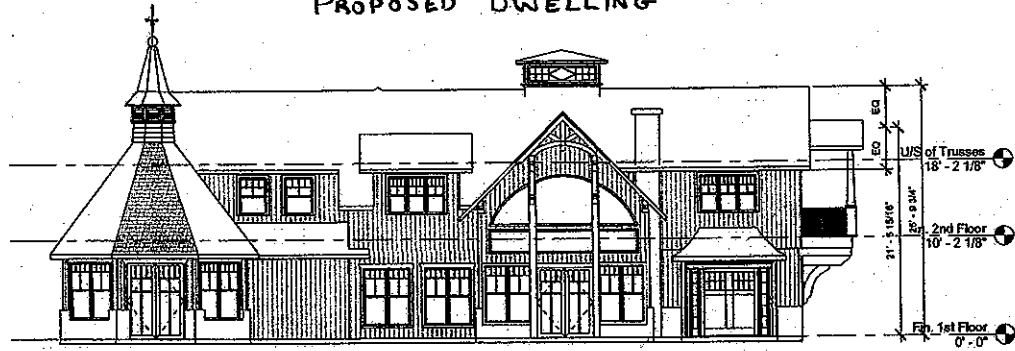
SCHEDULE "B" By-law Amendment No. 09-29



- SUBJECT LANDS to be re-designated from the Waterfront Residential "WR" Development Permit Area to the Waterfront Residential with an Exception "(WR-E199)" Development Permit Area
- SUBJECT LANDS to be re-designated from the Waterfront Residential "WR" Development Permit Area to the Waterfront Residential with an Exception "(WR-E200)" Development Permit Area

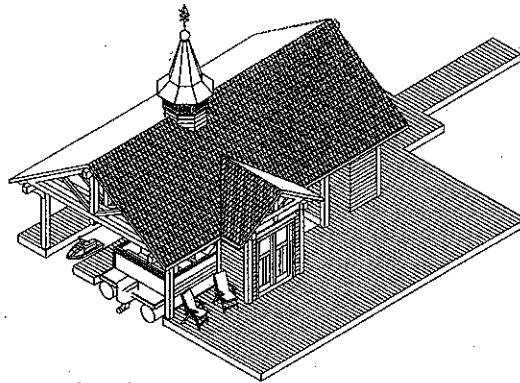
SCHEDULE "C"
By-law Amendment No. 09-29

PROPOSED DWELLING

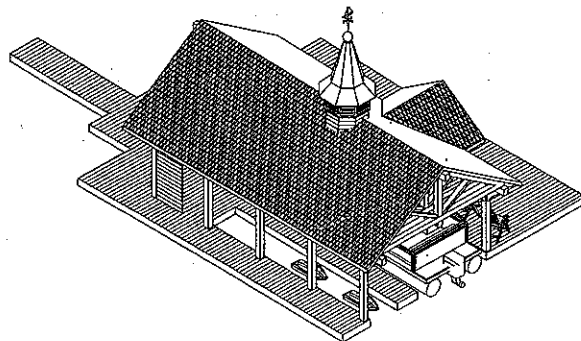


④ West Elevation LAKE SIDE
1/8" = 1'-0"

PROPOSED BOATPORT



② Left Front



③ Right Rear

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: February 24, 2009

RE: **BY-LAW AMENDMENT APPLICATION: Z 04/09 LOB**
Applicants: Howard Elliott
Agent: Nancy LeBlanc of Planscape
Part Lot 7, Concession 6, Franklin Ward, on Lake of Bays
Roll No. 010-019-00700
Civic Address: 25141 Highway No. 35

RECOMMENDATION:

That Application **Z 04/09 LOB (Elliott)**, for a site specific by-law amendment to fulfill a condition of the Committee of Adjustments' provisional approval for consent application **B 22/08 LOB** to create one new residential building lot, be **DEFERRED** to the meeting of April 28th, 2009 at the request of the applicant's agent and to allow additional time for a re-circulation of a revised application.

ORIGIN:

The property is located within the "Waterfront Residential (WR)" Development Permit Area of By-law 04-180 and is developed with a single family dwelling with attached decks, a garage, as well as a dock. The applicant received approval to sever this property under Consent Application **B 22/08 LOB**, for the purpose of creating one new residential building lot. One of the conditions of the approval was that the severed and retained lands be re-designated in order to recognize the deficient road frontage, as well as any other deficiencies that may be noted. In order to fulfill this condition of consent, it is necessary to amend By-law 04-180. In addition, the applicant also wishes to increase the lot coverage of the proposed severed lands in anticipation of a proposed 2734 ft² dwelling.

Accordingly, the purpose and effect of this by-law amendment is to re-designate the severed lands from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "**WR-E199**" Development Permit Area to permit a reduced road frontage of 76.2 metres (250 ft), and increase the lot coverage to 8.8%.

Another effect of the by-law amendment is to re-designate the retained lands from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "**WR-E200**" Development Permit Area to permit a reduced road frontage of 79.2 metres (260 ft).

BACKGROUND:

Previous Files:	B 22/08 LOB.
Natural Constraints:	<ul style="list-style-type: none">• Deer wintering habitat on entire property• "Type 2" fish habitat• Private land pit located approx. 90 metres west of closest point of subject property (Schedule E1)

	<ul style="list-style-type: none">• Crown land pit/quarry located on Lot 5, Con. 6, approx. 860 metres east of subject property (Roll No. 010-019-05000) (Schedule E1)• Locally significant wetland located approx. 185 metres northwest from closest point of subject property
Lake Phosphorous Sensitivity	Moderate sensitivity to phosphorus.
LOB Official Plan:	Waterfront.
District Official Plan:	Waterfront.
LOB By-law 04-180:	Waterfront Residential "(WR)" Development Permit Area.
OSRA:	Closed by By-law 08-37, Transfer MT49855, Pt 1 on Plan 35R-22040
Heritage Information:	None

Site Characteristics:

The property is generally level and slopes gently down towards Lake of Bays. The rear of the property is well vegetated with primarily deciduous forest, and contains some bedrock outcrops. A large beach area also exists mainly in the location of the proposed severed lands.

The proposed retained lands are developed with a dwelling, a garage, and a shed, while the proposed severed lands are vacant (two small private cabins and a dock that previously existed here have recently been removed).

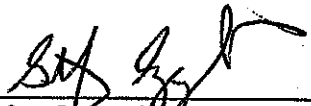
Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

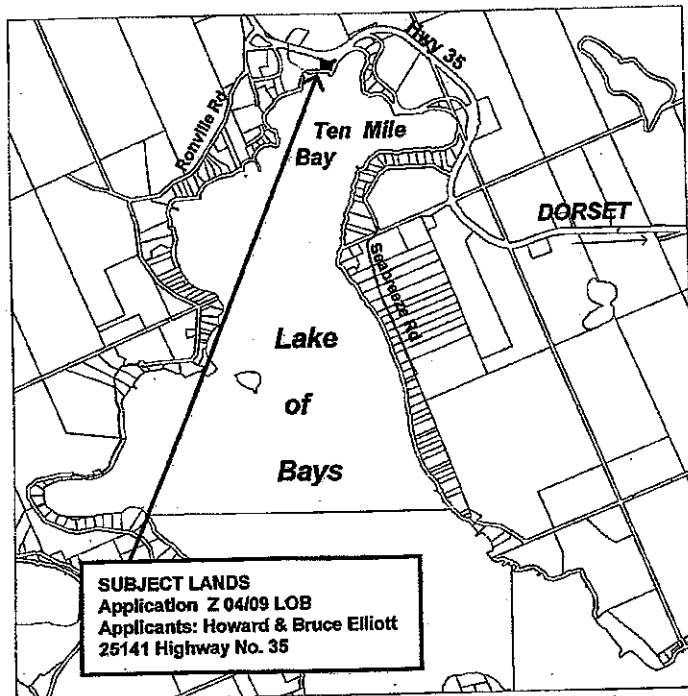
Since the circulation of the public notice respecting this application, during the regular review of this application, it was noted that the proposed boatport was projected beyond the maximum 50 feet By-law requirement from the shoreline. The applicant's agent has therefore requested that the application be amended to include an exception for this aspect of the proposal. Accordingly, staff recommend that the application be deferred in order to allow time for the revised proposal to be re-circulated at the expense of the owner.

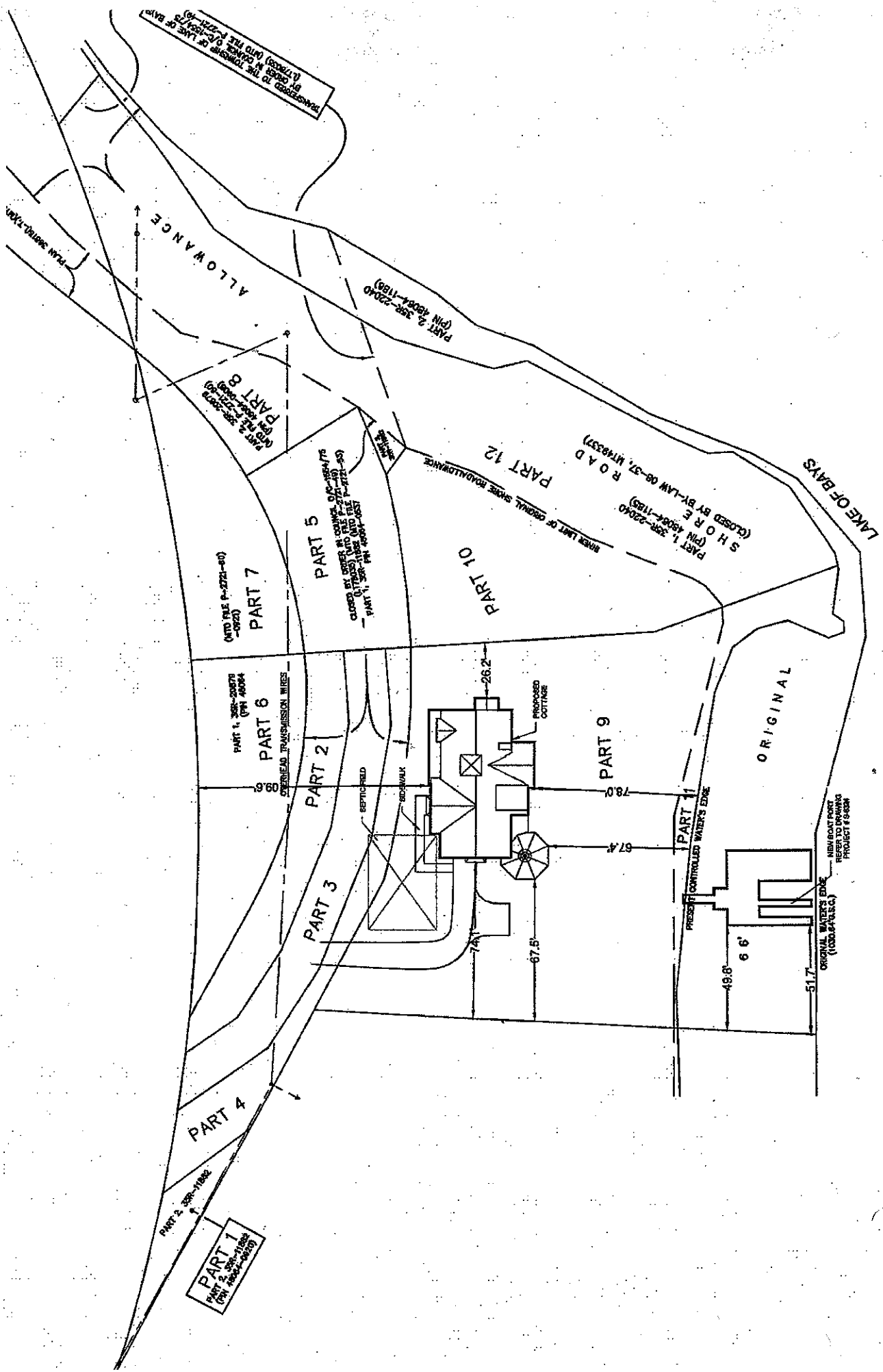
Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

KEY MAP
By-law 04-180 Amendment Application Z 04/09 LOB
Applicant: Howard Elliott
Part Lot 7, Concession 6, Franklin Ward





Stefan Szczerbak

From: Nancy LeBlanc [nleblanc@planscape.ca]
Sent: February 18, 2009 10:01 AM
To: Stefan Szczerbak
Cc: Angela Ghikadis
Subject: Elliott

Stefan:

I have spoken with Mr. Elliott who would like us to amend his development permit application to include an exception to permit a boatport to project beyond 50 feet from the shoreline. Please advise how we should proceed with this amendment. Is a request in writing sufficient?

I have copied Angela Ghikadis as I will be away from the office for several weeks. Angela will provide the necessary information and will be Planscape's contact in my absence.

I have advised Mr. Elliott that the application will likely be heard sometime in April. Please confirm the date with Angela so she can advise the Elliott's.

Thanks.

N

Nancy

Nancy LeBlanc, MCIP, RPP nleblanc@planscape.ca
PLANSCAPE
104 Kimberley Avenue
Bracebridge, On P1L 1Z8
Tel: 705 645-1556 (Ext. 208) Fax: 705 645-4500

CONFIDENTIALITY NOTE: The information contained in this message, and any attachments, may contain confidential and/or privileged material. It is intended solely for the person(s) or entity to which it is addressed. Any review, retransmission, dissemination, or taking of any action in reliance upon this information by persons or entities other than the intended recipient(s) is prohibited. If you received this in error, please contact the sender and delete the material from any source immediately.

18/02/2009