

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 Applications:  
Z 12 & 13/09 LOB (Ross)  
Applicants: Ruth and Charles Ross  
Part Lot 5, Conc. 11, Ridout Ward  
Roll No. 030-009-03800  
1019 Bellwood Acres Road

**RECOMMENDATION:**

That Application **Z 12/09 LOB (Ross)** for an amendment to Development Permit By-law No. 04-180 and Application **Z 13/09 LOB (Ross)** for a rezoning to Comprehensive Zoning By-law No. 04-181, both fulfilling a condition of Consent Application **B 10/08 LOB** for the conveyance of two lot additions, be **APPROVED**, and that By-laws 09-52 and 09-53 each be given three readings.

**ORIGIN:**

The property subject of these applications is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180 as well as the "**Rural (RU)**" Zone of Comprehensive Zoning By-law 04-181, and is developed with a single family dwelling with attached deck, a garage, four sheds, and a dock.

The applicants received approval to sever this property under Consent Application **B 10/08 LOB**, for the purpose of providing two lot additions to each of the two abutting southeasterly lots owned by Bill Parsons & Bronwen Ledger (Roll No. 030-009-03700), and George & Susanne Chaikowsky (Roll No. 030-009-03600). One of the conditions of approval was that retained parcel 1, part of which is located within the "**Rural (RU)**" Zone of By-law 04-181, and retained parcel 2, as well as the severed lot, both of which are also included within the "**Rural (RU)**" Zone of By-law 04-181, be re-designated in order that they may be located within the same designation as the shoreline portion of the properties. In order to fulfill this condition of consent, it is necessary to amend the boundaries of both the Development Permit and Comprehensive Zoning By-law's as follows:

**BY-LAW AMENDMENT APPLICATION Z 12/09 LOB (amendment to By-law No. 04-180):**

This application proposes to amend the boundaries of Schedule "A" of Development Permit By-law No. 04-180 by incorporating additional portions of the subject lands identified on the attached schedule that were previously included in Schedule "A" of Comprehensive Zoning By-law No. 04-181.

Accordingly, the purpose and effect of this by-law amendment is to amend the "**Waterfront Residential (WR)**" Development Permit Area.

**BY-LAW AMENDMENT APPLICATION Z 13/09 LOB (amendment to By-law No. 04-181):**

This application proposes to amend the boundaries of Schedule "A" of Comprehensive Zoning By-law 04-181.

Accordingly, the purpose and effect of this by-law amendment is to revise the boundary of the associated "Rural (Ru)" Zone.

**BACKGROUND:**

<b>Previous Files:</b>	<ul style="list-style-type: none"> <li>• <b>Consent Application B 10/08 LOB (provisionally approved on May 27, 2008)</b></li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• <b>Paint Lake is classified as a Category 3 lake (7 to 69 ha)</b></li> <li>• <b>"Type 1" &amp; "unknown" fish habitat Locally significant wetland</b></li> <li>• <b>Deer wintering habitat (small portion in northwesterly corner)</b></li> </ul>
<b>Lake Phosphorous Sensitivity:</b>	<ul style="list-style-type: none"> <li>• <b>Moderate sensitivity to phosphorous</b></li> </ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"> <li>• <b>Waterfront</b></li> </ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"> <li>• <b>Waterfront</b></li> </ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"> <li>• <b>Waterfront Residential "(WR)" Development Permit Area</b></li> <li>• <b>Waterfront Environmental Protection "(WEP1)" Development Permit Area</b> One on the shoreline fronting the subject lands</li> </ul>
<b>LOB By-law 04-181:</b>	<ul style="list-style-type: none"> <li>• <b>Rural "(RU)" Zone</b></li> </ul>
<b>OSRA Status:</b>	<ul style="list-style-type: none"> <li>• <b>Open (Condition No. 5 of the Provisional approval for Consent Application B 10/08 LOB requires that an LOC be obtained)</b></li> </ul>

**Site Characteristics:**

The subject lands are developed with a single family dwelling and associated accessory structures, and front onto Paint Lake. The rear portion of the property is well vegetated with a mix of deciduous and coniferous trees. The lands are level to the rear of the dwelling, then slope gently down from the dwelling to Paint Lake.

The two benefiting properties are both developed with a single family dwelling with small accessory structures. The shoreline fronting each of these properties contains a dock and the vegetation consists primarily of manicured lawn.

**Surrounding Uses:**

The surrounding lands contain low density residential uses.

**ANALYSIS:**

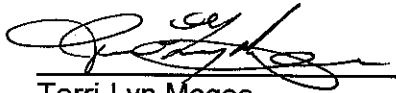
Members of Council may be familiar with this property and will recall that staff were supportive of the proposal to convey two lot additions involving the subject lands by way of Consent Application B 10/08 LOB. A copy of our staff report for the consent application is attached for information purposes. These amendment applications have been submitted to fulfil a condition of the approval for this related consent file.

Within the provisional decision pertaining to Consent Application **B 10/08 LOB**, Condition No. 2 requires that the lot additions, as well as the rear portion of retained lot 1 be rezoned from the "**Rural (Ru)**" Zone of Comprehensive Zoning By-law No. 04-181 to the same designation as the shoreline portion of the properties and which are included within the "**Waterfront Residential (WR)**" Development Permit Area of Development Permit By-law No. 04-180.

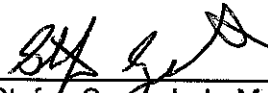
Accordingly, as these applications have been submitted to fulfill a condition of provisional approval for the related consent file and as these applications generally meet the intent of the Township Official Plan, staff have no concerns with the approval of these applications and it is recommended that By-laws 09-52 and 09-53 be given three readings at this time.

Respectfully submitted by:

With the concurrence of:



Terri-Lyn Magee  
Planning Technician



Stefan Szozerbak, M.Sc., RPP, MCIP  
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09- 52**

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

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

**AND WHEREAS** authority to pass this by-law is provided by Section 34 of the Planning Act, R.S.O. 1990, c.P.13 and amendment thereto;

**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 is hereby amended by revising the "Waterfront Residential (WR)" Development Permit Area boundary located on **Part Lot 5, Concession 11, Ridout Ward**, now in the Township of Lake of Bays, as shown hatched on the attached Schedule "B".
2. Schedules "A" and "B" hereby form part of this By-law.
3. All other provisions of By-law 04-180, as amended, shall apply.

**READ a FIRST and SECOND time this 28<sup>th</sup> day of April, 2009.**

\_\_\_\_\_  
Mayor

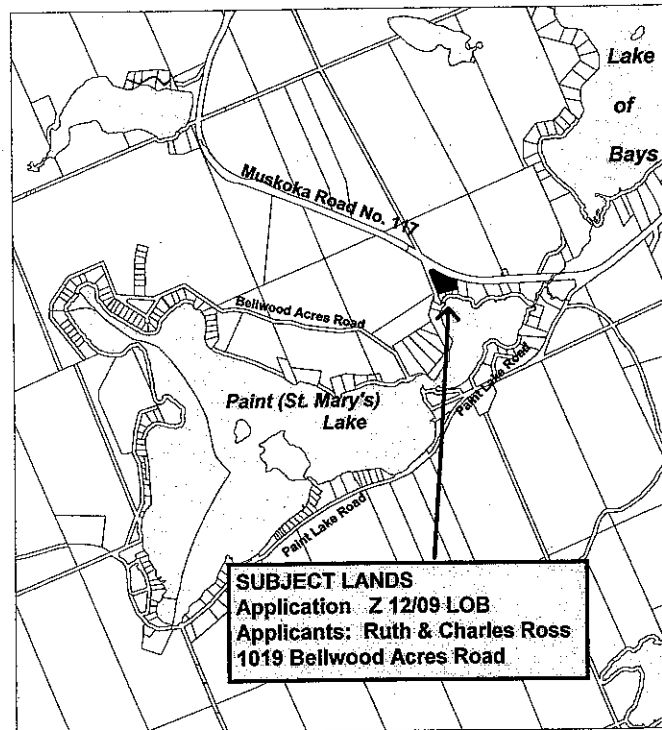
\_\_\_\_\_  
Clerk

**READ a THIRD time and finally passed this 28<sup>th</sup> day of April, 2009.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**SCHEDULE "A"**  
**By-law Amendment No. 09-52**





**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09- 53**

BEING A BY-LAW TO AMEND BY-LAW 04-181 KNOWN AS THE COMPREHENSIVE ZONING BY-LAW (Ross)

**WHEREAS** it is deemed expedient to amend By-law 04-181.

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

1. Schedule "A" – Ridout Ward, to By-law 04-181 is hereby amended by revising the "Rural (Ru)" Zone located on **Part of Lot 5, Concession 11, Ridout Ward**, now in the Township of Lake of Bays, as shown hatched on the attached Schedule "B".
2. Schedules "A" and "B" hereby form part of this By-law.
4. All other provisions of By-law 04-181, as amended, shall apply.

**READ** a FIRST and SECOND time this 28<sup>th</sup> day of April, 2009.

\_\_\_\_\_  
Mayor

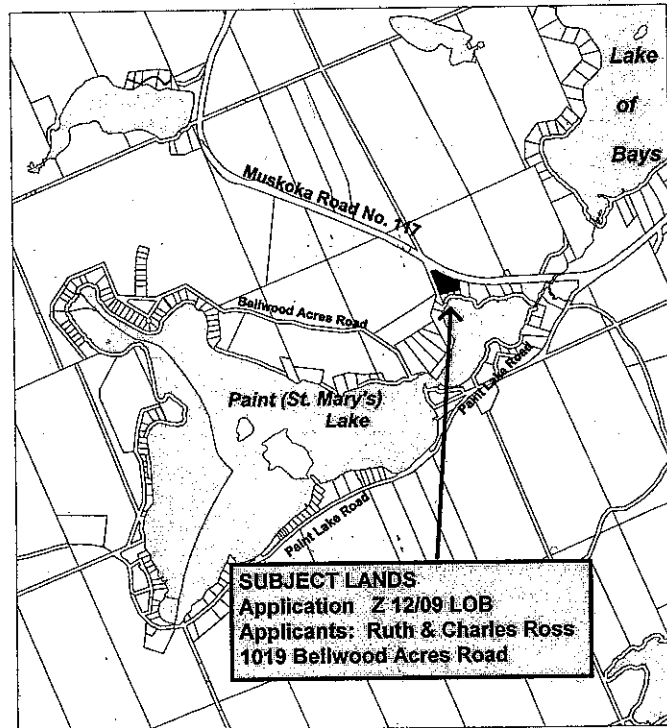
\_\_\_\_\_  
Clerk

**READ** a THIRD time and finally passed this 28<sup>th</sup> day of April, 2009.

\_\_\_\_\_  
Mayor


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Clerk

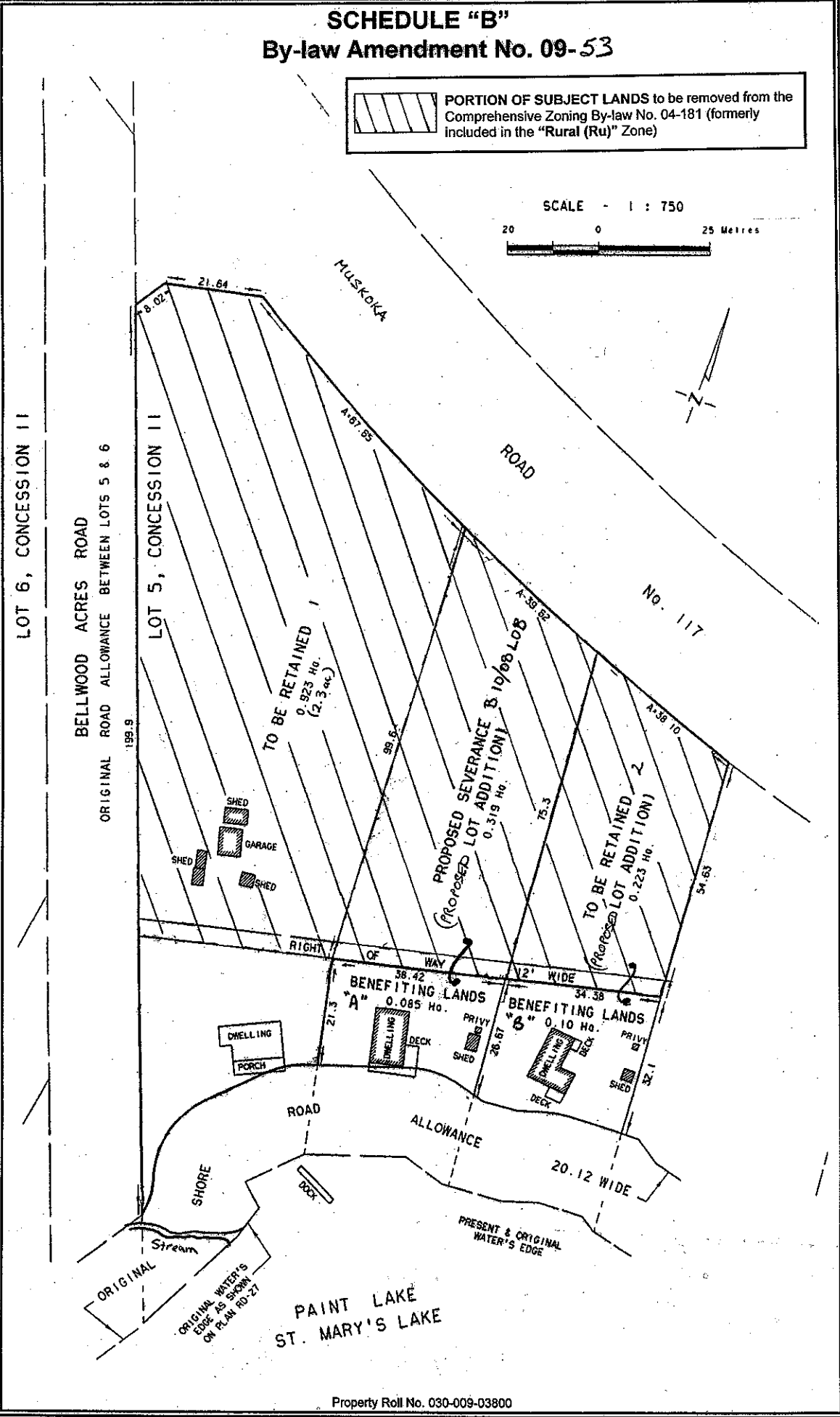
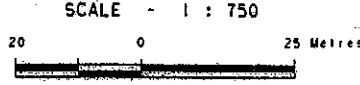
**SCHEDULE "A"**  
**By-law Amendment No. 09-53**



# SCHEDULE "B"

## By-law Amendment No. 09-53

 PORTION OF SUBJECT LANDS to be removed from the Comprehensive Zoning By-law No. 04-181 (formerly included in the "Rural (Ru)" Zone)



THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
**COMMITTEE OF ADJUSTMENT REPORT**



**TO:** Members of the Committee of Adjustment  
**FROM:** Stefan Szczerbak, Planner  
**DATE:** May 27<sup>th</sup>, 2008  
**RE:** Consent  
Application: B 10/08 LOB (Ross)  
Applicant: Ruth & Charles Ross  
Part Lot 5, Conc. 11, Ridout Ward  
Roll No. 030-009-03800, on Paint (St. Mary's) Lake  
1019-1 Bellwood Acres Road

**RECOMMENDATION:**

That application **B 10/08 LOB (Ross)** be **APPROVED**, subject to the following conditions:

- (1) That a registrable description of the severed and retained lots be submitted to the Secretary-Treasurer, along with two copies of the registered reference plan.
- (2) That each of the resulting lots be rezoned from the Comprehensive Zoning By-law to the Development Permit By-law No. 04-180 such that the lot additions are located in the same designation as the lands to which they are being added, and that the rear portion of retained lot 1 is also located in the same designation as the shoreline portion of the property.
- (3) That there be a written undertaking from the acting solicitor that the severed lot be joined in title to the benefiting lands to the south (Roll No. 030-009-03700 owned by Parsons & Ledger). Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
- (4) That there be a written undertaking from the acting solicitor and that retained lot 3 be joined in title to the lands to the south (Roll No. 030-009-03600 owned by Chaikowsky). Subsection 50(3) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcels of land that are the subject of this consent.
- (5) That the applicants apply to the Township for a License of Occupation to authorize any structures located on the Original Shore Road Allowance fronting the retained and severed lands, if applicable.

**ORIGIN:**

Consent application **B 10/08 LOB** proposes to sever a 0.319 hectare (0.79 ac) parcel. This parcel is proposed to be added to the southerly abutting waterfront property owned by Bill Parsons & Bronwen Ledger (Roll No. 030-009-03700). The resulting easterly retained lot is then proposed to be added to the southerly waterfront parcel owned by George & Susanne Chaikowsky (Roll No. 030-009-03600). The lot additions will result in the following configurations:

	Amt of Add'n	Resulting Lot Area	Existing Water Frontage on Paint Lake
<b>Retained Lot (Ross) (Roll No. 030-009-03800)</b>	n/a	0.93 ha. (2.3 ac)	51 m (167± ft)
<b>Benefiting Lot A (Parsons &amp; Ledger) (Roll No. 030-009-03700)</b>	0.32 ha (0.79 ac)	0.42 ha (1.03 ac)	35 m (115 ft)
<b>Benefiting Lot B (Chaikowsky) (Roll No. 030-009-03600)</b>	0.22 ha (0.55 ac)	0.32 ha (0.8 ac)	33.5 m (110 ft)

The retained lands are developed with a single family dwelling, as well as a garage, four sheds, and a dock. Access to the benefiting properties will continue to be via an existing right-of-way off of Bellwood Acres Road (Part 2 on Plan RD-27 & Part 2 on Plan 35R-16202).

**BACKGROUND:**

<b>Previous Files:</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• Paint Lake is classified as a Category 3 lake (7 to 69 ha)</li> <li>• "Type 1" &amp; "unknown" fish habitat - the direction to the Township from the Ministry of Natural Resources is that "unknown" fish habitat should be treated as "Type 1" habitat</li> <li>• Locally significant wetland</li> <li>• Deer wintering habitat (small portion in northwesterly corner)</li> </ul>
<b>Lake Phosphorous Sensitivity</b>	<ul style="list-style-type: none"> <li>• Moderate sensitivity to phosphorous</li> </ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront</li> </ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront</li> </ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"> <li>• Waterfront Residential "(WR)" Development Permit Area</li> <li>• Waterfront Environmental Protection "(WEP1)" Development Permit Area One on the shoreline fronting the subject lands</li> </ul>
<b>LOB By-law 04-181</b>	<ul style="list-style-type: none"> <li>• Rural "(RU)" Zone</li> </ul>
<b>OSRA Status:</b>	<ul style="list-style-type: none"> <li>• Open</li> </ul>

**Site Characteristics:**

The subject lands are developed with a single family dwelling and associated accessory structures, and front onto Paint Lake. The rear portion of the property is well vegetated with a mix of deciduous and coniferous trees. The lands are level to the rear of the dwelling, then slope gently down from the dwelling to Paint Lake.

The two benefiting properties are each developed with a single family dwelling with small accessory structures. The shoreline fronting each of these properties contain a dock and the vegetation consists primarily of manicured lawn.

**Surrounding Uses:**

The surrounding lands contain low density residential uses.

## **ANALYSIS:**

This proposed severance application does not create a new lot. The subject application simply involves the addition of lands to two neighbouring properties in order to provide the benefiting lands with additional lot area.

### **Access**

As the benefiting lots will now have frontage onto Muskoka Road No. 117 (Class A Muskoka Road), it is the direction of the Muskoka Plan (Section G.38) to have a minimum lot frontage of 150 metres (500 ft.). However, G.18 provides an exemption to Section G.38 where access is from a local road. Upon review of this proposal, it is noted that both of the benefiting lots are currently accessed via a private right-of-way from Bellwood Acres Road (Township Owned and year-round maintained road). Accordingly, provisions will be made for a right-of-way across each of the lot additions to ensure that each of the benefiting parcels retains legal access.

### **Water Frontage onto Paint Lake**

Upon review of this proposal, it is noted that this severance application will not reduce the existing water frontage of the subject lands. It is proposed to reduce the total lot area from an existing 1.46 ha (3.6 acres) to 0.923 ha (2.28 acres). As this subject lands are currently developed, it would appear that the retained developed parcel will continue to comply with the lot coverage requirements of the Development Permit By-law.

The Original Shore Road Allowance (OSRA) fronting the subject lands is currently open. It has been the direction of the Committee to include a condition to stop up and close these lands in order to ensure that the OSRA and the lands could, in fact, be merged to create a "whole" parcel of land. In this instance, given the presence of a stream on a portion of the allowance and that it may not be desirable to close and convey that area, staff have included wording to provide for the requirement of a License of Occupation in order to authorize the location of any structures on the OSRA.

### **Natural Constraints**

With respect to the identified Fish Habitat, it was noted during a site visit that much of the shoreline fronting the benefiting lands consisted of manicured lawn. Accordingly, in an effort to protect any fish habitat that may be present, and in accordance with Sections D.100 (b) and H.23 of the Official Plan, staff have included a condition requiring the owners of the benefiting parcels to apply for and receive a Development Permit to re-vegetate and restore portions of the shoreline yard to a more of a natural state. As the area fronting the properties along here are identified as containing locally significant wetland, re-naturalizing portions of the shoreline would also augment this feature.

A review of Schedule C2 of the Township Official Plan has revealed that the northwesterly corner of the proposed "Retained 1" parcel contains deer wintering habitat. Section D.109 states that development within a deer wintering area should be located in such a way that significant portions of this area will be preserved to continue to provide food and shelter. As this parcel is currently developed, it is unlikely that new development would be located within this area.

### **Zoning/Development Permit Designation**

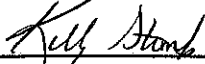
When reviewing the applicable Designation/Zone of the subject lands, the property is currently split zoned such that the waterfront portions of the lot, together with the benefiting lands are located in the **Waterfront Residential "(WR)"** designation of Development Permit By-law 04-180. The portion of the property adjacent to the Muskoka Road No. 117 is zoned the **Rural "(RU)"** within the Comprehensive Zoning By-law 04-181. In an effort to appropriately designate the final configuration of

this proposal and as the resulting lots will functionally relate to Paint Lake, a condition has been included to re-designate all the lands to the **Waterfront Residential "(WR)"** designation.

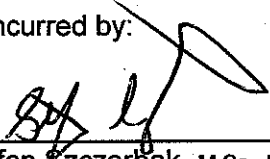
### Summary

As the consent generally conforms to both the District and Township Official Plans, staff would have no concerns with the approval of this application for the lot additions, subject to the conditions outlined in this report.

Respectfully submitted by:

  
\_\_\_\_\_  
Kelly Stronks, CPT  
Planning Technician

Concurred by:

  
\_\_\_\_\_  
Stefan Szczerbak, M.Sc., RPP, MCIP  
Planner