

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).

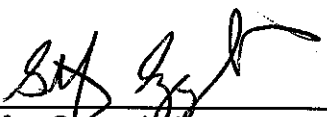
Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

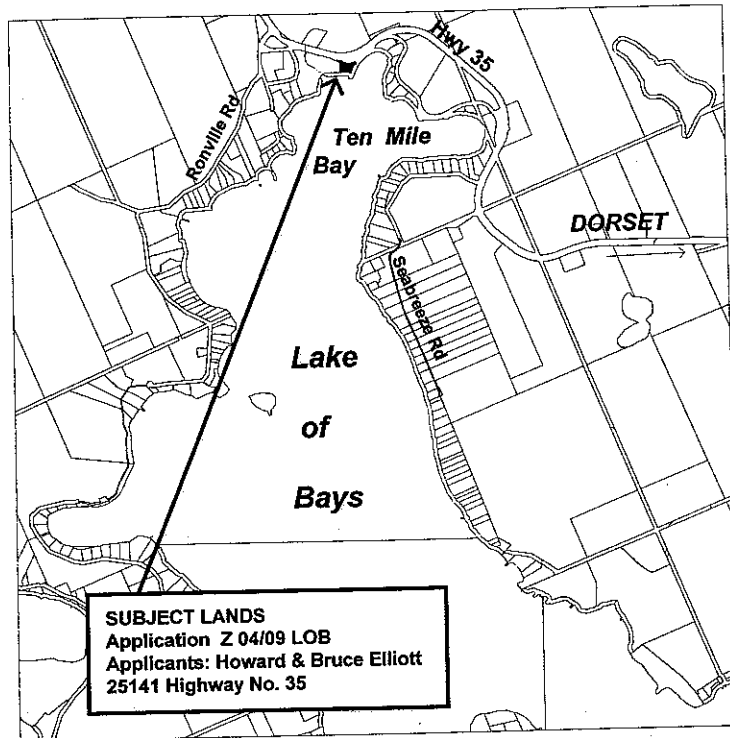
Since the circulation of the public notice respecting this application, during the regular review of this application, it was noted that the proposed boatport was projected beyond the maximum 50 feet By-law requirement from the shoreline. The applicant's agent has therefore requested that the application 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.

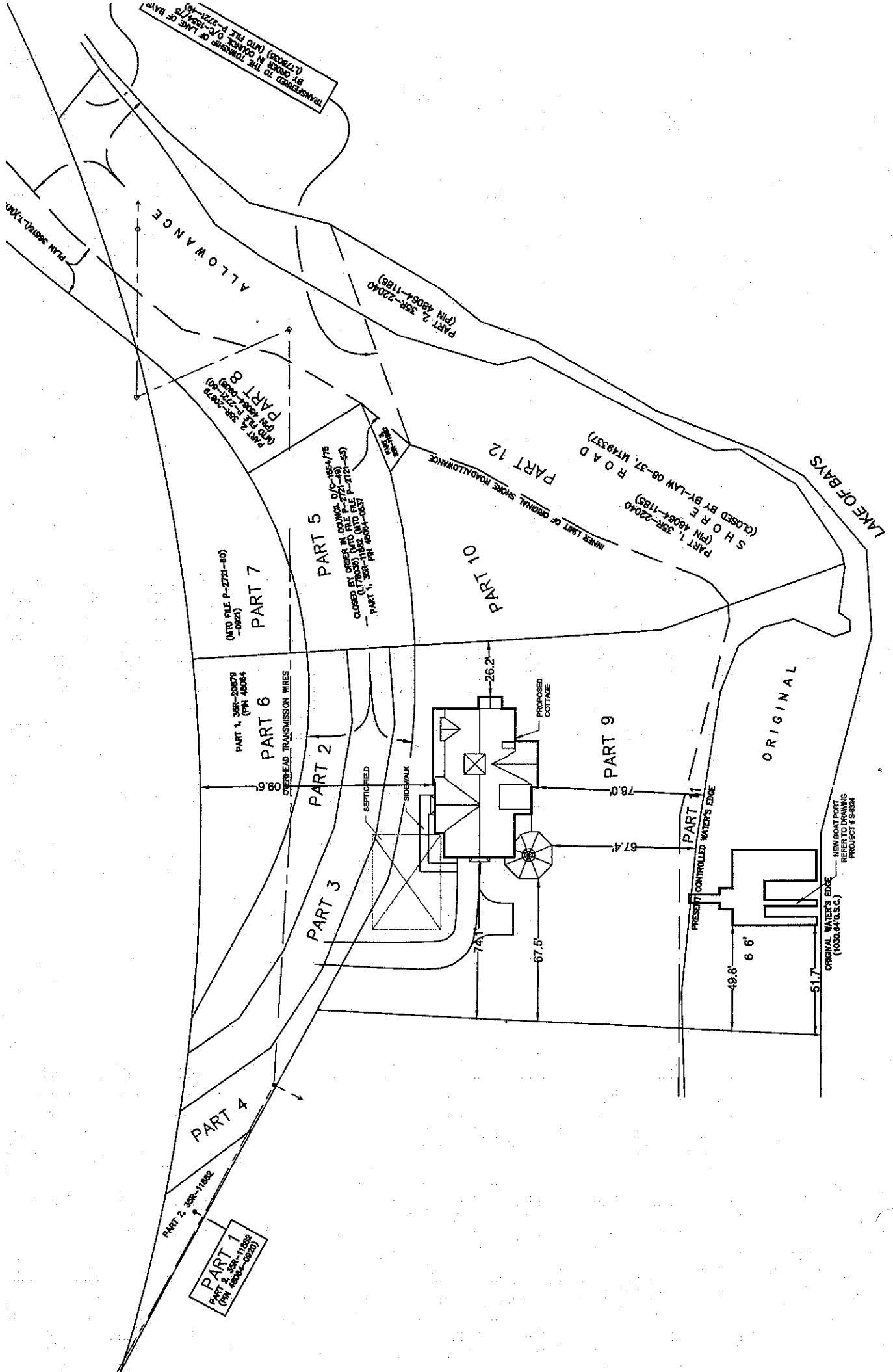
Respectfully submitted by,



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