

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

**TO:** Mayor & Members of Council  
**FROM:** Stefan Szczerbak, Planner  
**DATE:** February 24<sup>th</sup>, 2009

**RE:** DEVELOPMENT PERMIT APPLICATION: DP 05/09 LOB  
(Goldenberg)  
Applicants: Yetta & Sheldon Goldenberg  
Part Lot 5, Concession 14, Ridout Ward, on Maple Drive  
Roll No. 030-013-09502  
Civic Address: 1036 Maple Drive

**RECOMMENDATION:**

That Council pass the following resolution to **APPROVE** Development Permit Application DP 05/09 LOB (Goldenberg):

WHEREAS the applicants have submitted Development Permit Application DP 05/09 LOB (Goldenberg) in order to seek relief from:

- i) Section 5.1.1 (i) (Maximum Lot Coverage), increase from an existing 15.6% to 15.7%;

of Development Permit By-law 04-180, in order to permit the construction of an addition of 28 ft<sup>2</sup> onto the northwesterly side of an existing dwelling, located in Pt. Lot 5, Conc. 14, Ridout Ward, on Lake of Bays (Goldenberg) (1036 Maple Drive) (Ridout) (030-013-09502);

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: January 13<sup>th</sup>, 2009 and marked: **DP 05/09 LOB**;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as "complete" is within the sole discretion of the Township of Lake of Bays;
3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;

4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water's edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

#### **ORIGIN:**

An application has been received from Michael Goldenberg, on behalf of Yetta and Sheldon Goldenberg, in which relief from Development Permit By-law 04-180 is requested.

The applicants seek relief in order to expand the existing dwelling by constructing an addition of 28 ft<sup>2</sup> onto its northwesterly side. As the proposed construction would exceed the maximum allowable lot coverage, a Council Variation is required to exempt the following section of By-law 04-180:

- i) Section 5.1.1(i)(Maximum Lot Coverage), increase from an existing 15.6% to 15.7% in order to accommodate the proposed expansion.

#### **Site Characteristics:**

The lands, located within the "Waterfront" designation of both the Township and District Official Plans and more specifically located within the **Waterfront Residential "(WR)"** Development Permit Area under By-law No. 04-180, are developed with a single family dwelling with attached deck, two frame sheds, a playhouse and a dock with attached wooden platform. The lands are further characterized by a level plateau where the existing dwelling is located and from there, the lands slope gradually down towards the water's edge in a northeasterly direction. The shoreline area is fairly well vegetated. As well, the dwelling is well screened from the neighbouring properties.

#### **Surrounding Uses:**

The surrounding lands contain low density residential uses.

#### **ANALYSIS:**

A review of the proposal and a site visit has indicated that the proposed addition will be located outside of the required 20 metre setback and a significant portion of the shoreline yard currently contains mature, natural vegetation.

When considering the proposed construction, it would appear that the proposed addition (additional space required for the installation of a bathtub), will be tucked in behind an existing shed and generally buffered from the shoreline (Section H.20) and along the westerly side lot line. In addition, the proposed structure should generally not appear to present any significant visual impact when viewed from Maple Drive.

When considering the proposed changes to the lot coverage on the subject lands, Section 5.1.1(i) permits a total of 8% within this area located outside the Shoreline Yard. It would appear that the lot already has an existing coverage of approximately 15.6%. The applicants propose an increase to that of 15.7%, in order to facilitate the construction of the proposed addition. As this expanded structure is modest and would generally not be visible from any vantage point, staff have no concerns with supporting the proposed increase in coverage.


As a matter of reference, if we were to look at the "total lot coverage", that is the total square footage of all buildings and/or structures as a percent of the total land area (non-flooded) we would observe it to be at 13.2% (existing), 13.3% (proposed). Further, if we look at shoreline coverage, the total of all structures lying within the first 65.6 ft of the shoreline, we would see that at 44.2% (existing), it already exceeds the maximum permitted (40%). Therefore, regardless of size and/or location, any future consideration(s) would first have to be reviewed and approved by Council.

Finally, in terms of the septic system, it is our understanding that the proposed construction will utilize the existing number of fixture units, and will not necessitate a change to the existing design flow rate.

Accordingly, staff feel that this application generally conforms to the intent and purpose of the Township Official Plan and complies with the general criteria for considering variations from the applicable By-law standards found in Schedule C of the Development Permit By-law No. 04-180.

Respectfully submitted by:

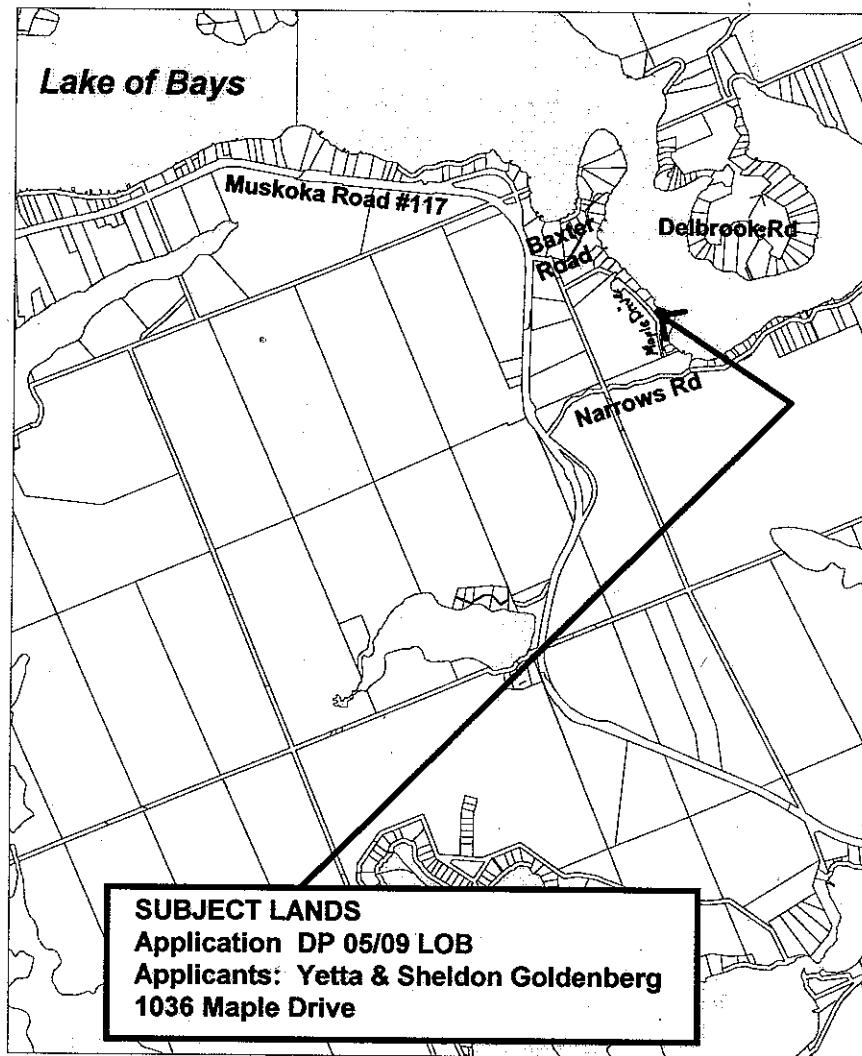
With the concurrence of:



Terri-Lyn Magee  
Planning Technician



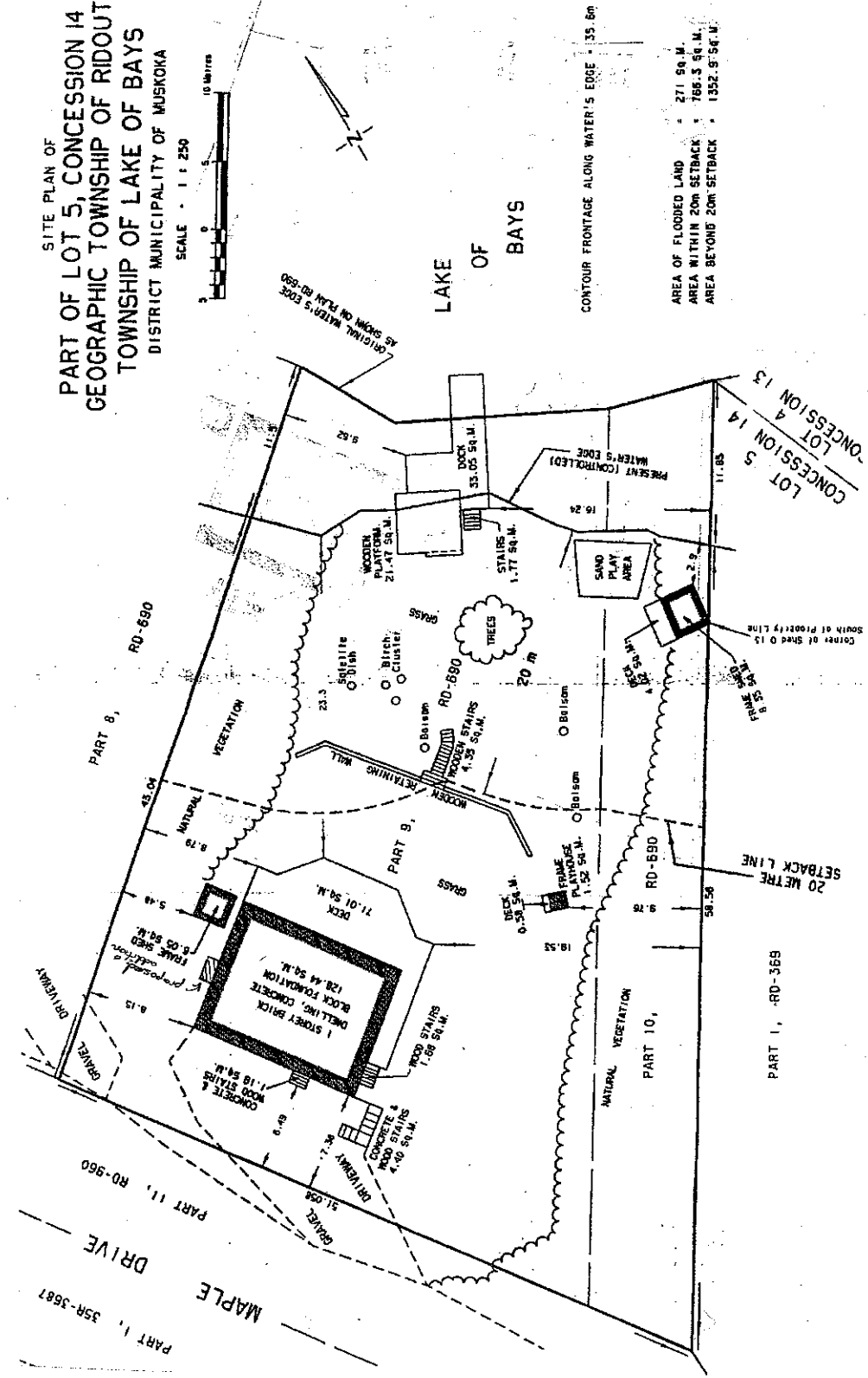
Stefan Szczerbak, M.Sc., RPP, MCIP  
Planner



**KEY MAP**  
**APPLICATION DP 05/09 LOB**  
**Applicants: Yetta & Sheldon Goldenberg**  
**Part Lot 5, Concession 14, Ridout Ward**

**SITE PLAN OF**  
**PART OF LOT 5, CONCESSION 14**  
**GEOGRAPHIC TOWNSHIP OF RIDOUT**  
**TOWNSHIP OF LAKE OF BAYS**  
**DISTRICT MUNICIPALITY OF MUSKOKA**

SCALE 1 : 250



AREA OF FLOODED LAND = 271.50 M.  
 AREA WITHIN 20M SETBACK = 766.50 M.  
 AREA BEYOND 20M SETBACK = 1352.90 M.

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