

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council

FROM: Stefan Szczerbak, Planner

DATE: July 21, 2009

RE: By-law Amendment Application:

Z 27/07 LOB (Fisher)

Applicants: Thomas & Helen Fisher

Agent: Marie Poirier Planning & Associates

Part Lot 19, Conc. 7, Franklin Ward

Roll No. 010-014-07300

1243 Port Cunnington Road

RECOMMENDATION:

That Application **Z 27/09 LOB (Fisher)** to permit the addition to the rear of the property containing an attached garage and renovations to the existing dwelling which will result in a higher structure be **APPROVED** and that By-law 09-78 be given three readings.

ORIGIN:

Application **Z 27/07 LOB** was submitted on August 21, 2007. The application was deemed to be complete on June 30, 2009 as the applicant and their agent have revised this proposal on several occasions since 2007.

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area, and is developed with a single family dwelling with attached deck, a frame shed, and a dock containing a boathouse. The applicants wish to construct an addition onto the northerly (rear) side of the existing dwelling, as well as an attached garage. In addition, they are proposing renovations to the existing structure which will increase the height of the existing structure. As the proposed construction is located within both the required shoreline yard and interior side yard setbacks, the height of the expanded structure is proposed to be greater than the height of the existing dwelling, and as this proposal will exceed the maximum permitted lot coverage, a by-law amendment is required to permit the proposed construction.

Accordingly, the purpose and effect of this by-law amendment will be to re-designate the property from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Residential with an Exception WR-E207**" Development Permit Area. The effect of the "**WR-E207**" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

- i) Section 5.1.1(d) (Minimum Shoreline Yard Setback), reduce from the required 20 metres (65.6 feet);
- ii) Section 5.1.1(f) (Minimum Interior Side Yard Setback), reduce from the required 4.5 metres (14.7 ft);
- iii) Section 5.1.1(i) (Maximum Lot Coverage), increase from the maximum 8% coverage; and
- iv) Section 4.39 (Addition to a legal non-complying dwelling within the shoreline activity area resulting in greater height than original dwelling), to permit an increased height of the proposed addition, garage and renovations to a portion of the existing structure.

BACKGROUND:

Previous Files:	<ul style="list-style-type: none"> • n/a
Natural Constraints:	<ul style="list-style-type: none"> • Category 1 Lake; • Narrow Waterbody and • “Type 2” Fish Habitat .
Lake Phosphorous Sensitivity:	<ul style="list-style-type: none"> • Moderate sensitivity to phosphorous.
LOB Official Plan:	<ul style="list-style-type: none"> • Waterfront.
District Official Plan:	<ul style="list-style-type: none"> • Waterfront.
LOB By-law 04-180:	<ul style="list-style-type: none"> • “Waterfront Residential (WR)” Development Permit Area.

Site Characteristics:

The subject lands which are currently developed are deemed to be an existing legal non conforming lot as it is comprised of approximately 120 feet of water frontage, 35 feet of road frontage on District Road No. 22 (Port Cunnington Road) and has 0.38 acres of area.

The property is fairly vegetated and the dwelling is generally located on a level portion of the property. However, due to the existing location of the dwelling being in close proximity to the water’s edge, it is somewhat visible from both the road and the water’s perspective.

Also, the property generally slopes in a southwesterly direction and the existing shoreline yard is comprised of steep slopes to the water’s edge. For the most part the shoreline has been left in a natural state.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

Development Constraints

A review of Schedule D.2 of the Township's Official Plan identifies this area on Lake of Bays as a Narrow Waterbody. In addition, Schedule C2 has identified fish habitat on these lands. However, as this proposal does not include the placement of new shoreline structures, nor alteration to the existing grade or vegetation removal within the existing shoreline yard, the relevant Official Plan policies pertaining to these constraints would not apply.

Character

With respect to the maintenance of the waterfront character, when considering this proposal, the design principles found in Section H.20 of the Township Official Plan, figure prominently into Council's decision for these types of applications. When making decisions on development proposals to legal non-complying structures (existing structures located within the shoreline yard), a primary guiding principle for Council has been whether or not the proposal will result in a negative visual impact when viewed from the water's perspective. These waterfront design guidelines assist in the determination of whether or not there will be impact when viewed from the water. In addition, these principles also require that buildings and structures be of a low profile and not exceed the height of the tree canopy. Building mass and coverage should be limited in relation to the size and frontage of the property and the character of the surrounding area.

Proposal

Upon review of the development proposal, it is noted that the lot is comprised of approximately 36.6 metres (120 feet) of frontage on Lake of Bays with a total area of approximately 0.14 ha. (0.34 ac.). The one storey dwelling is currently located approximately 25 feet from the water's edge at its closest point. An existing open deck further encroaches approximately 5 feet into this existing setback. Due to the proximity of the dwelling to the shoreline, although the property contains some mature coniferous vegetation, the dwelling is somewhat visible when viewed from the water's edge. In fact, the dwelling is more visible when travelling along District Road No. 22.

Members of Council may recall the applicant appearing as a delegation to discuss their initial proposal in May of 2007. At that time Council expressed a concern related to the location and amount of proposed development. A copy of the original concept is included for reference. Since that time, the applicant has revised their plans in accordance with the direction of Council and has also decided not to proceed with a walkout basement in an effort to reduce the face-print of the structure when viewing the property from the south or the water. In addition, they have agreed to remove the existing shed to further reduce the amount of structures on the property.

With respect to the proposed height, although the proposal is going higher than what currently exists, it is noted that the dwelling will not exceed the tree canopy and due to the existing vegetation, the proposed dwelling will continue to blend into this existing vegetation.

In addition, as the property is located at the end of a narrow bay, the proposed construction will generally not be noticed from neighbouring dwellings as boat traffic is very limited in this area. As previously mentioned, the most noticeable point of view is from the perspective of the road.

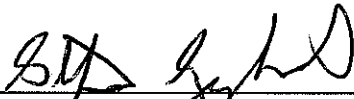
Further, the massing of the structure will remain the same as the proposed construction will be mainly added to the rear of the dwelling.

With respect to lot coverage, when reviewing the entire parcel, the proposed development would account for an increase from the existing 15% to that of 20.1%.

As this application will consider the reduction to the shoreline yard setback for the proposed development, the proposed lot coverage would therefore account for all existing and proposed structures except for the existing shoreline structure.

In view of the foregoing, in an effort to conform to the general intent of the Township Official Plan, staff would recommend the exclusion of a shoreline activity area to prevent the removal of any vegetation within the shoreline yard ensuring that the potential for negative visual impact when viewed from the water would be mitigated. Provided Council agrees with this recommendation, staff are satisfied that the proposal is appropriate for the lands and that generally, the off site impacts appear to be mitigated and the proposal conforms and maintains the general intent of the Township Official Plan and the Development Permit By-law.

Respectfully submitted by:



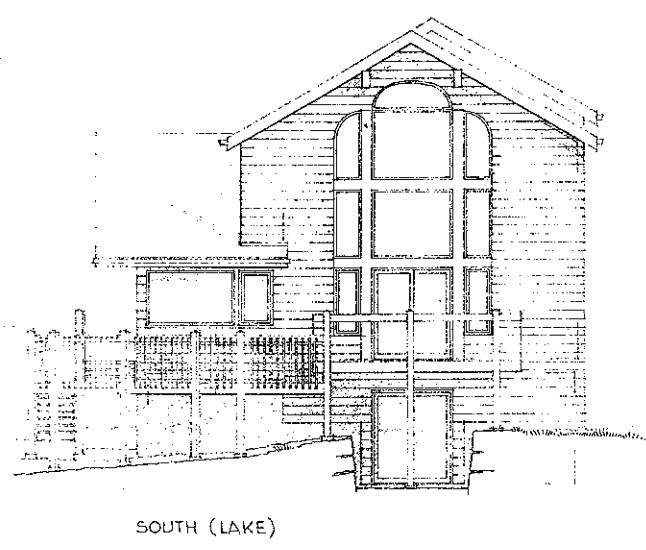
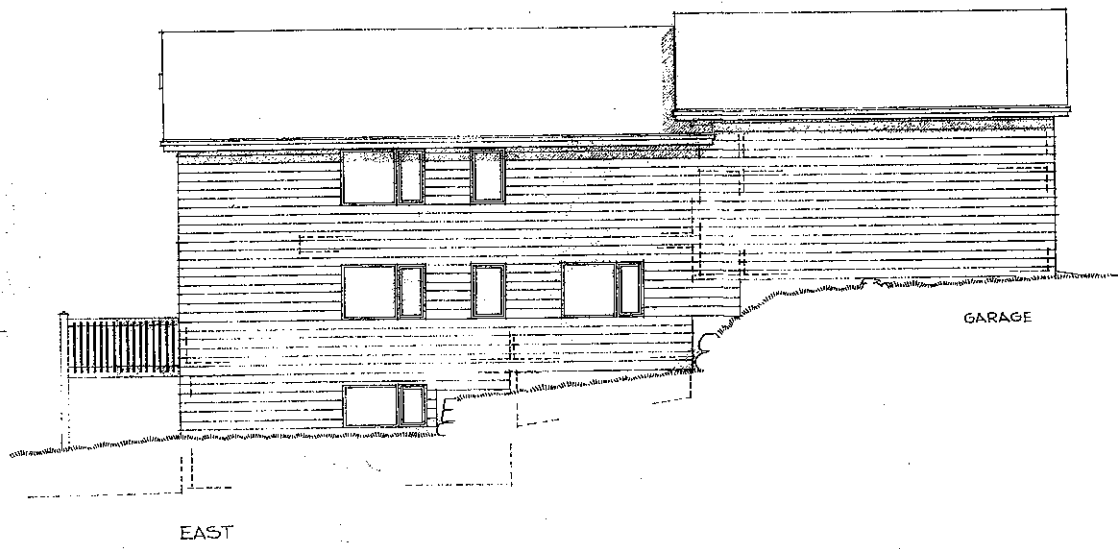
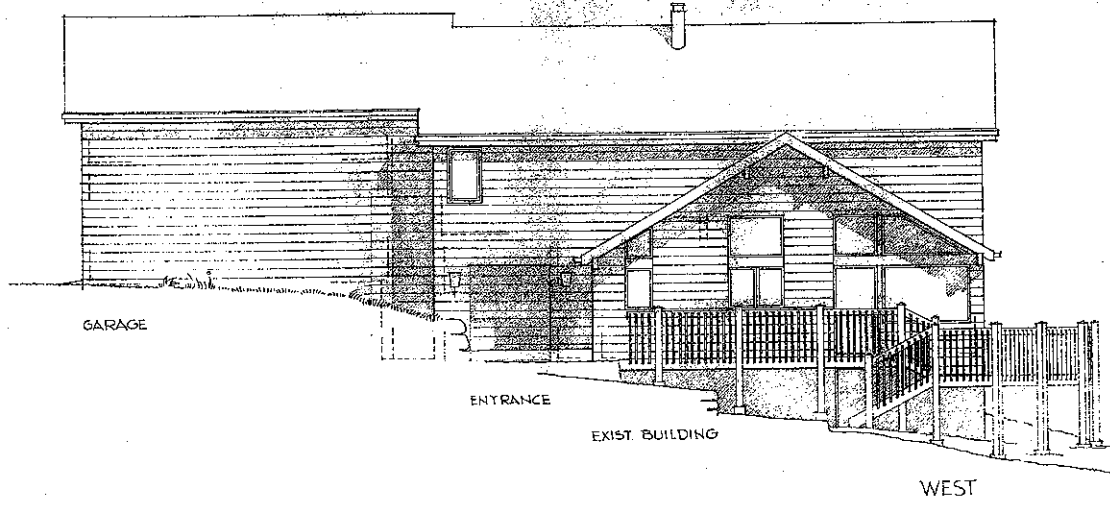
Stefan Szczerbak, M.Sc., RPP, MCIP
Planner

KEY MAP

By-law 04-180 Amendment Application Z 27/07 LOB

Applicants: Thomas & Helen Fisher

Lot 19, Concession 7, Franklin Ward



**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-78**

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

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 19, Concession 7, 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-E207)**" Development Permit Area, as shown on the attached Schedule "A".
2. Section 7 of By-law 04-180 be amended by deleting the wording associated with **WR-E207** and replaced with the following:

"WR-E207:

On lands designated "WR-E207", as shown on Schedule "A" attached to By-law 09-78, 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:

- i) Despite any provision, a Shoreline Activity Area shall not be identified to prevent any significant removal of shoreline vegetation.
- ii) Despite any provision, additions to the dwelling will be permitted to a height of 8.8 metres (29 feet).
- iii) Substituted Development Permit Area Provisions

MINIMUM SHORELINE YARD SETBACK TO THE PROPOSED ADDITIONS

STANDARD	STAFF VARIATION	COUNCIL VARIATION
15 metres (50 feet)	None	Any

MAXIMUM LOT COVERAGE

STANDARD	STAFF VARIATION	COUNCIL VARIATION
16.5%	None	Any

3. Schedules "A" and "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 21st day of July, 2009.

Mayor

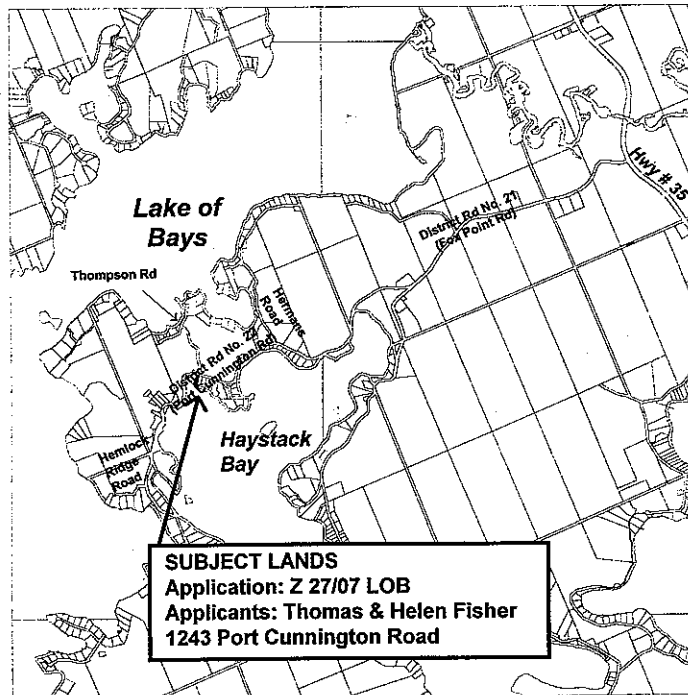
Deputy Clerk

READ a THIRD time and finally passed this 21st, day of July, 2009.

Mayor

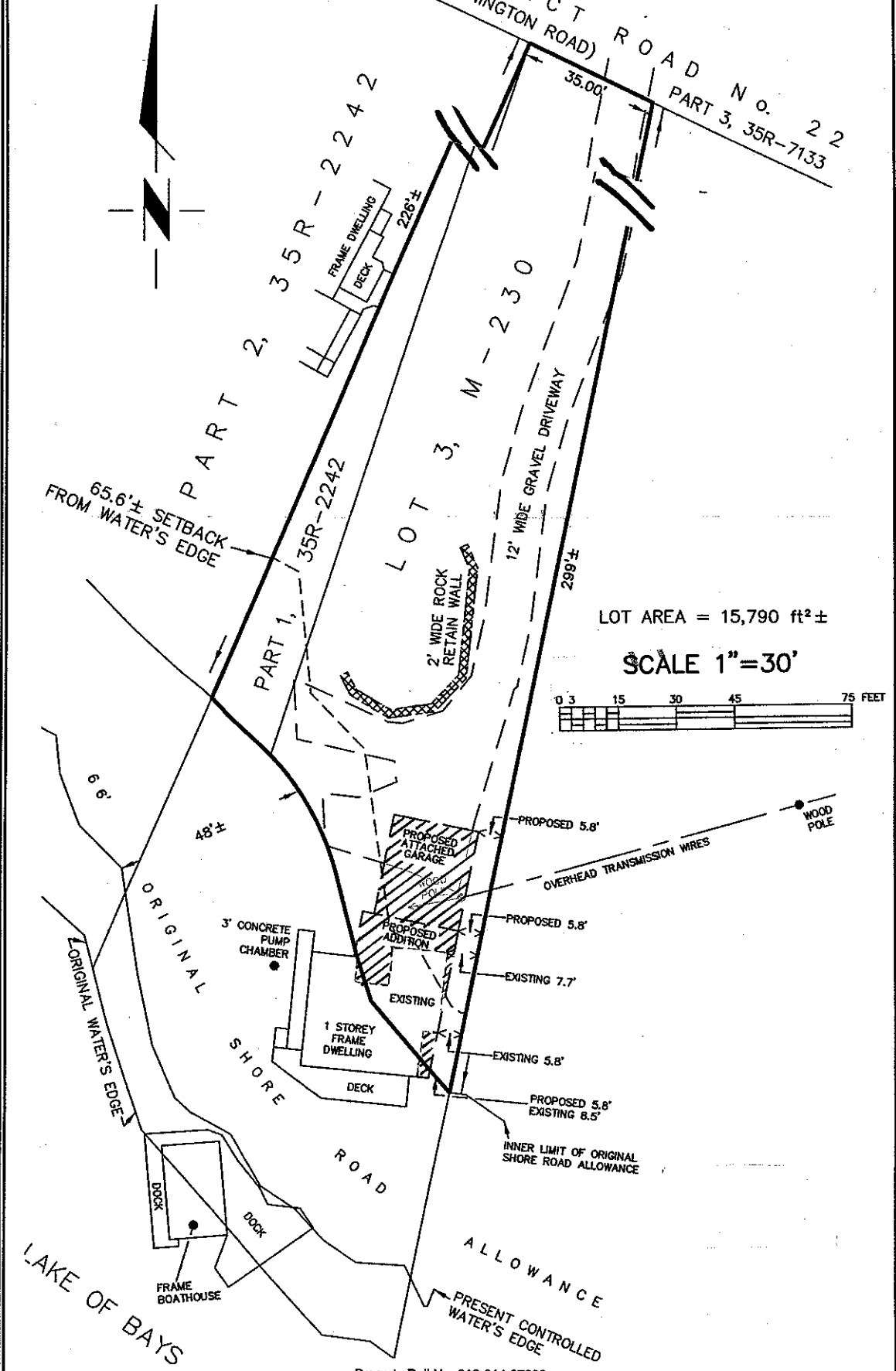
Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-78



SCHEDULE "B"
By-law Amendment No. 09-78

DISTRICT ROAD No. 22
(PORT CUNNINGTON ROAD)
PART 3, 35R-7133



65.6'± SETBACK
FROM WATER'S EDGE

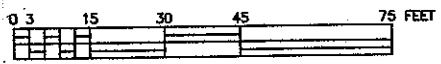
PART 2, 35R-2242

PART 1, 35R-2242

LOT 3, M-230

LOT AREA = 15,790 ft²±

SCALE 1"=30'



LAKE OF BAYS

SCHEDULE "C" By-law Amendment No. 09-78

