

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: July 21st, 2009

RE: DEVELOPMENT PERMIT APPLICATION: DP 41/09 LOB (Martin)
Applicants: Blain & Paula Martin
Pt. Lot 13, Conc. 11, McLean Ward, on Lake of Bays
Roll No. 040-016-01400
Civic Address: 1102 North Burnt Island Road

RECOMMENDATION:

That Application **DP 41/09 LOB (Martin)** for a Category 2 – Development Permit, for the proposed reconstruction and enlargement of a single family dwelling as well as the construction of a dock be **PROVISIONALLY APPROVED:**

WHEREAS the applicant has submitted a Category 2 - Development Permit, Application **DP 41/09 LOB** in order to vary the provisions of the Development Permit By-law 04-180, specifically:

- i) Section 5.1.1 (d) (Minimum Shoreline Yard Setback), decrease from the required 20 metres (65.6 feet) to 15.7 metres (51.4 feet) for the dwelling and to 14.9 metres (48.9 feet) for the attached open deck; and
- ii) Section 5.1.1 (l) (Maximum Shoreline Activity Area Coverage), increase from a permitted 40% to 44.7%;

of Development Permit By-law 04-180; in order to permit the redevelopment of a single family dwelling with attached open deck as well as the construction of a dock, located in Pt. Lot 13, Conc. 11, McLean Ward, on Lake of Bays (Martin) (1102 North Burnt Island Bay Road) (McLean) (040-016-01400);

AND WHEREAS a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-law 04-180;

AND WHEREAS the Council of the Corporation of the Township of the 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 would be satisfied that upon receipt and approval, to the satisfaction of the Township: a) confirmation of the details of any site alteration i.e.: excavation, blasting, filling and/or grading in accordance with Section D.16 of the Township Official Plan such that there will be no negative impacts to the features and function of the area, then the criteria as outlined in Schedule C of the Development Permit By-law would thereby be fulfilled, and Council would hereby **APPROVE** the subject proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: June 19th, 2009 and marked: **DP 41/09 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;
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline. A shoreline buffer shall be a minimum of 15 metres (50 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; and
6. The proposed re-development shall confirm details of any site alteration i.e.: excavation, blasting, filling and /or grading in accordance with Section D.16 of the Township Official Plan.

ORIGIN:

The application received and rendered complete on June 19th, 2009 involves lands that are 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. These lands are developed with a single family dwelling, a garage, a shed and a dock. The applicants propose to demolish the existing dwelling and construct a larger dwelling (including sunroom and deck) of 2,061 ft². In addition, they wish to replace and reconfigure the existing dock structure with a steel based one that is slightly larger.

The lands also contain steep slopes with the exception of the location of the garage and its associated parking as well as the shoreline area in the vicinity of the dwelling where there is a rock outcrop and the lands slope gently in a southerly direction towards the water's edge. The lot is extremely well vegetated throughout the interior and along the side lot lines and contains a number of mature white pines both in front and behind the existing dwelling. The shoreline, while rocky, is comprised of existing, natural vegetation and the existing dwelling is somewhat visible when being viewed from the water's perspective.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

Development Considerations

Visual Impacts (Waterfront Character)

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

With respect to the potential for negative visual impacts, staff note that the existing dwelling, situated at 48.9 feet at its closest point to the water is located in a confined and relatively level area due to the property's relative narrowness and the sloping character of the lot. To the rear of the dwelling, the lands slope steeply upwards in a north westerly direction towards North Burnt Island Bay Road. This slope rising behind the dwelling includes an abundance of mature deciduous and coniferous vegetation which extends well above the proposed higher roofline of the dwelling (approximately 10 feet), as a result of its proposed walkout style.

Staff feel that the proposed development should generally not be visible or pose any concerns with respect to privacy or noise attenuation, especially when considering the distant location of the neighbour's dwelling and accessory structures, the presence of an appropriate natural buffer along the side lot lines as well as the contour of the shoreline. Further, the mature white pines in front of the dwelling will undoubtedly help to minimize the height of the new structure and the view of its "faceprint" relative to the shoreline.

Therefore, as a result of the current location of the dwelling, the available buffer and the aforementioned terrain constraints, it would appear that the proposed dwelling with walkout is being placed in the most appropriate location on the subject lands.

Development Permit By-law

When considering the specific provisions within the Development Permit By-law, Council has the ability to vary coverage and setbacks, subject to the following criteria set out in Schedule C.3 (Criteria for Council Variations from Standards):

- a) The proposal is appropriate for the lands;
- b) Any off site impacts are mitigated;
- c) The proposal would maintain the general intent of this By-law; and
- d) The proposal would maintain the general intent of the Official Plan.

As previously noted, the shoreline yard which is in a natural state, is fairly well vegetated.

Accordingly, in order to maintain the general intent of the Official Plan and ensure the proposal will not pose any negative visual impacts when being viewed from the water's perspective, staff recommended that Council not include a shoreline activity area (in accordance with Section H.20), such that the existing shoreline vegetation, remain to further mitigate the potential for negative visual while following the criteria set out in Sections 4.75 and 4.76 of By-law 04-180. The rationale behind this recommendation is to ensure the built form blends in with the natural environment in accordance with the general direction of the Township Official Plan, namely Sections D.10, H.18, H.19 and H.20.

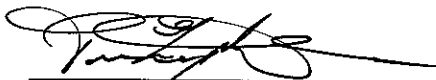
As it relates to Section 4.84 of the By-law, it is unclear at this point how much site alteration, if any may be required in order to proceed with the installation of a walkout. As site alteration (the removal and placement of fill) is regulated in the By-law, and while staff are in receipt of a topographic account of the lot grading and drainage that is proposed, a site evaluation will be required to fully understand the amount of disturbance that may occur and the applicable techniques required to protect the shoreline in accordance with Section 6 of the Development Permit By-law.

In terms of the property's existing septic system, Section C.48 of the Township Official Plan requires that all development have a suitable system for sewage disposal which is adequate to serve the proposed development. In this regard, confirmation that the dwelling will be two bedrooms only has been verified by the applicants and thus the Chief Building Official has confirmed that he is satisfied that this will not necessitate a change to the existing design flow rate.

In view of the foregoing and upon consideration of the criteria set out in Schedule C.3, provided the applicants: a) confirm the details of site alteration (if any) through a site evaluation to the satisfaction of the Township such that there are no negative impacts to the features and function of the area in accordance with the direction of the Official Plan namely Section H.23, as well as the criteria set out in Sections 4.75 and 4.76 of By-law 04-180, staff would have no concerns with the provisional approval of this application as the proposal 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 Development Permit By-law 04-180.

Respectfully submitted by:

With the concurrence of:

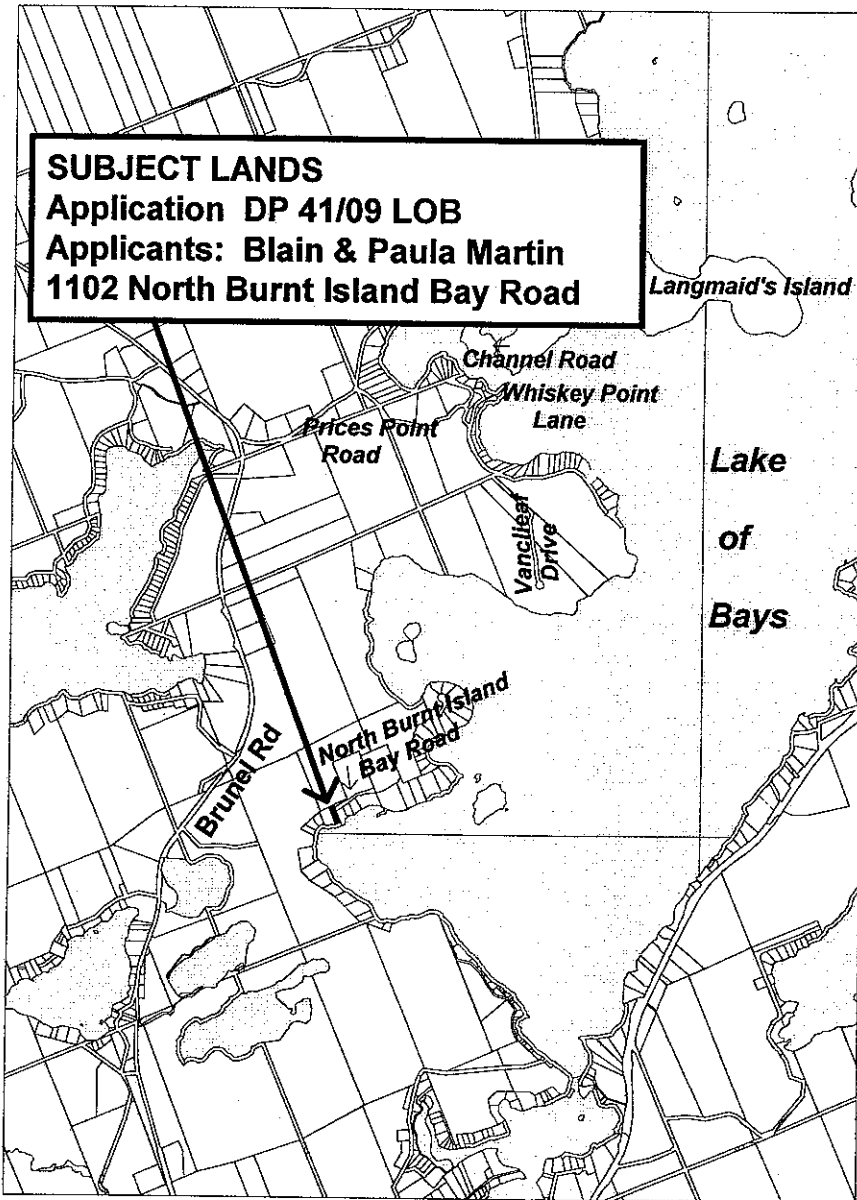


Terri-Lyn Magee
Planning Technician



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

PLANNING AND DEVELOPMENT DEPARTMENT



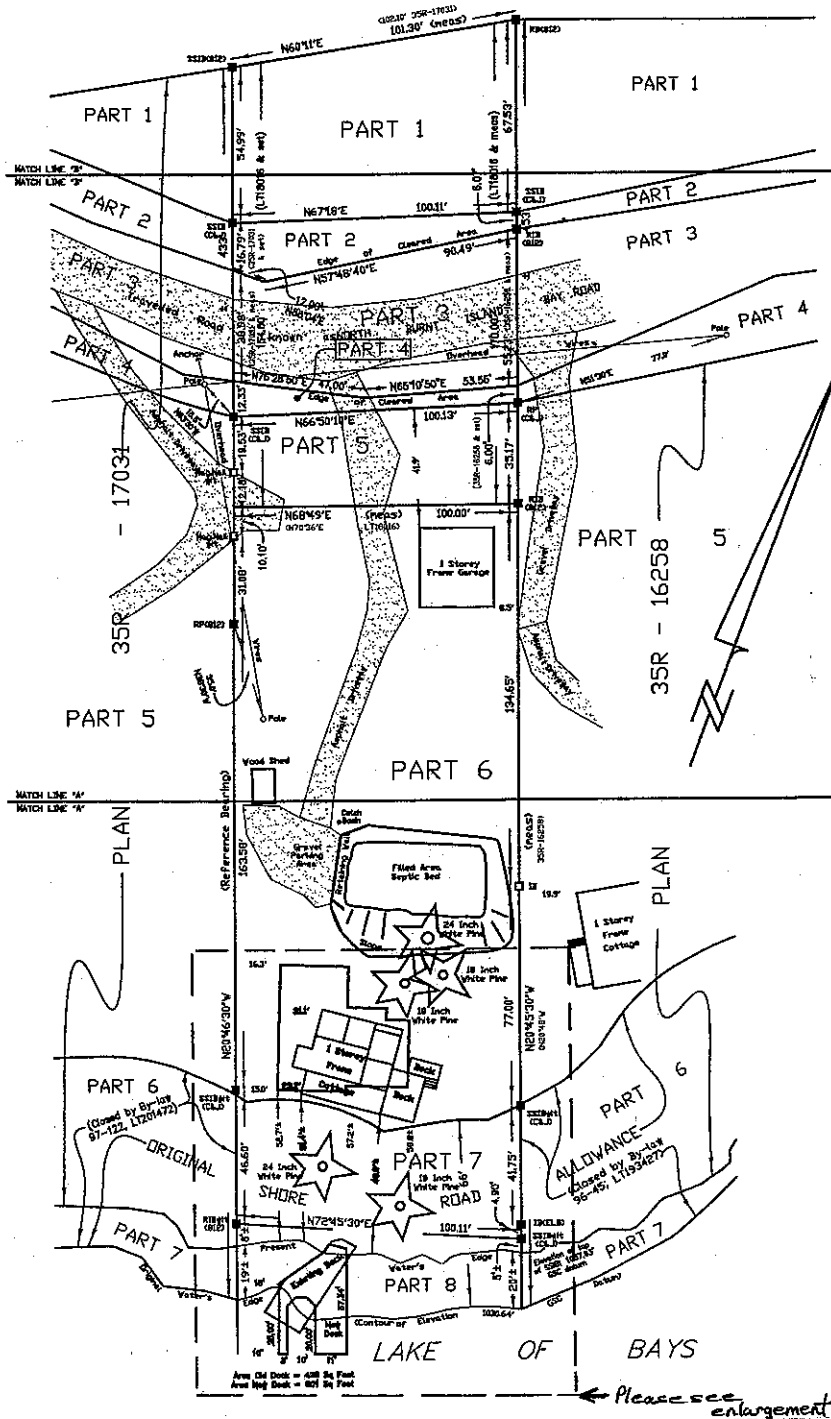
KEY MAP
APPLICATION DP 41/09 LOB
Applicants: Blain & Paula Martin
Part Lot 13, Con. 11, McLean Ward

Site Plan by Owner
 Attached to Development Permit
 For 1102 North Burnt Island Bay Road

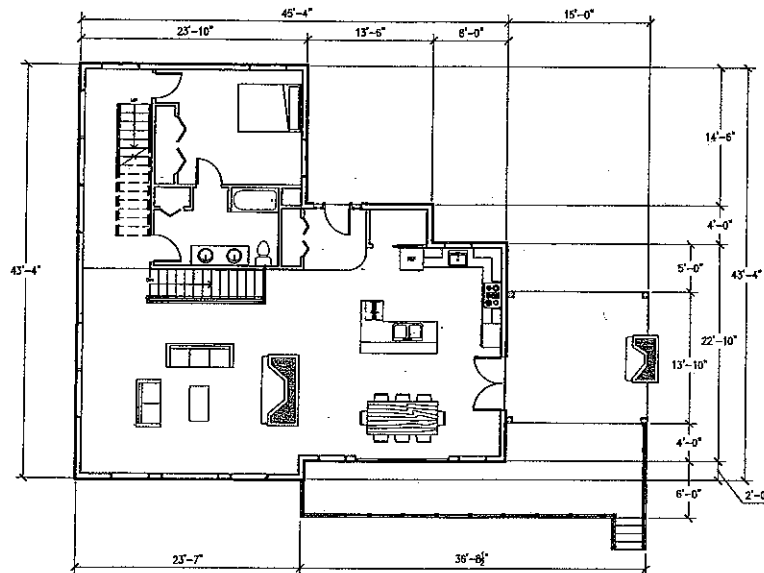
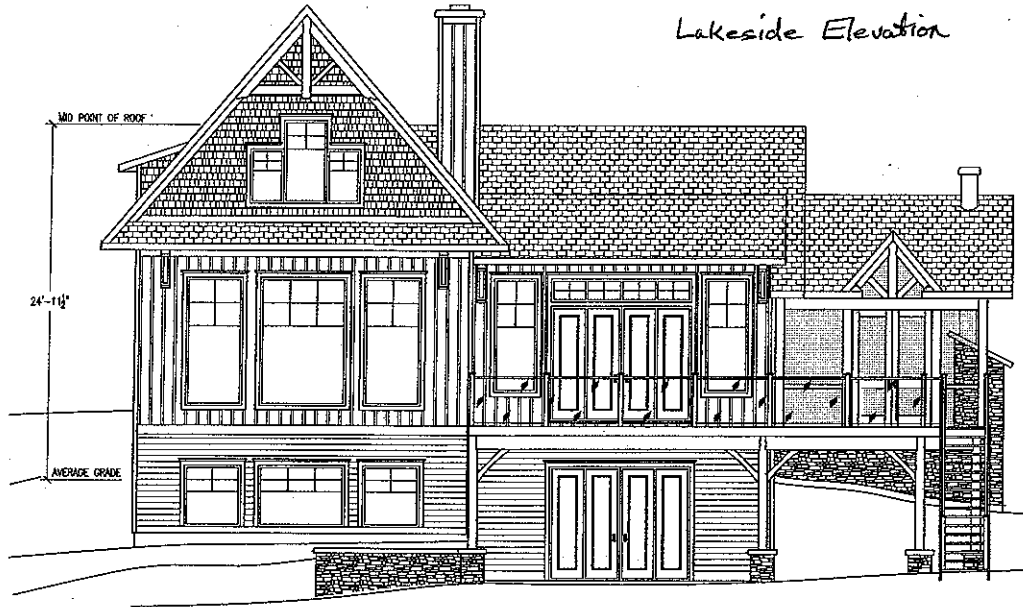
SCALE 1" = 30'



DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.



KEY MAP
APPLICATION DP 41/09 LOB
Applicants: Blain & Paula Martin
Part Lot 13, Con. 11, McLean Ward



Main Floor Plan

Item 5, Letter from Neighbour to West

June 22, 2009

Blain Martin
75 Lee's Gallery
Stouffville, Ontario
L4A 1N8

Re: Construction of new cottage at 1101 North Burnt Island Bay Road

Dear Blain:

We have reviewed the attached site plan prepared by you for your new dock and cottage and have no objections.

Yours truly,

Brian and Diane Coggins
Brian H. Coggins

Brian and Diane Coggins
1100 North Burnt Island Road

Item 9

July 3, 2009

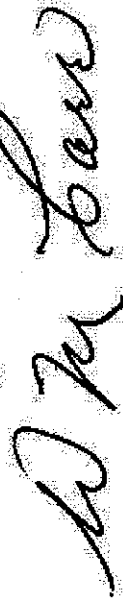
Blain Martin
75 Lee's Gallery
Stouffville, Ontario
L4A 1N8

Re: Construction of new cottage at 1101 North Burnt Island Bay Road

Dear Blain:

We have reviewed the attached site plan prepared by you for your new dock and cottage and have no objections.

Yours truly,



Bill and Rosemary Carr
North Burnt Island Road

