

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

**TO:** Mayor & Members of Council  
**FROM:** Stefan Szczerbak, Planner  
**DATE:** July 21<sup>st</sup>, 2009  
**RE:** By-law Amendment Applications:  
Z 16 & 17/09 LOB (Twaits)  
Applicant: D. Wayne Twaits  
Agent: Wayne Simpson & Associates  
Part Lot 18, Conc. 9, Franklin Ward  
Roll No. 010-009-04902  
Charlie Thompson Road - Vacant

**RECOMMENDATION:**

That Application **Z 16/09 LOB (Twaits)** for an amendment to the Comprehensive Zoning By-law No. 04-181 and Application **Z 17/09 LOB (Twaits)** for an amendment to the Development Permit By-law No. 04-180, both fulfilling a condition of Consent Application **B 11/08 LOB**, for the purpose of creating one new residential lot, be **APPROVED** and that By-laws 09-79 and 09-80 be given three readings.

**ORIGIN:**

Applications **Z 16 & 17/09 LOB** were received on May 29<sup>th</sup>, 2009 and deemed to be complete on June 30<sup>th</sup>, 2009.

The applicant received provisional approval to sever the property under Consent Application **B 11/08 LOB**, for the purpose of creating a new residential building lot. The property is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180 as well as the "**Rural One (RU1)**" Zone of Comprehensive Zoning By-law 04-181, and is vacant. One of the conditions of the provisional approval was that portions of the property that were contained under the jurisdiction of Comprehensive Zoning By-law 04-181 be re-designated such that the entire lands be located under the jurisdiction of Development Permit By-law 04-180. Accordingly, an amendment to both by-laws is required in order that the applicable mapping schedules reflect the required change.

The purpose and effect of these by-law amendments will be to amend both Comprehensive Zoning By-law 04-181 and Development Permit By-law 04-180 as follows:

**APPLICATION Z 16/09 LOB (amendment to By-law 04-181):**

This application proposes to amend the boundaries of Schedule "A" in the Comprehensive Zoning By-law 04-181 by removing that portion of land identified on the attached schedule. Accordingly, the purpose and effect of this by-law amendment is to remove that portion of the

lands from the "Rural One (RU1)" Zone of By-law 04-181 and to add it to the Development Permit By-law No. 04-181 and designate these lands to the "Waterfront Residential (WR)" Development Permit Area such that the entire property is under the same designation.

**APPLICATION Z 17/09 LOB (amendment to By-law 04-180):**

This application proposes to amend the boundaries of Schedule "A" of Development Permit By-law 04-180 by incorporating the portion of land identified on the attached schedule. Accordingly, the purpose and effect of this by-law amendment is to add the portion of lands formerly zoned "Rural One (RU1)" in By-law 04-181 and re-designate them to the "Waterfront Residential (WR)" Development Permit Area of By-law 04-180 such that the entire property is under the same designation.

**BACKGROUND:**

<b>Previous Files:</b>	<ul style="list-style-type: none"> <li>• Consent Application B 11/08 LOB (provisionally approved on May 27, 2008)</li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• Slopes ranging in excess of 40%; and</li> <li>• Deer Wintering Habitat.</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> </ul>
<b>LOB By-law 04-181:</b>	<ul style="list-style-type: none"> <li>• "Rural One (RU1)" Zone.</li> </ul>

**Site Characteristics:**

The subject lands have varying topography, from some flat areas to steep slopes and rock escarpments. The lot slopes upwards in an easterly direction from Charlie Thompson Road, a year round Township-maintained road. Shaws Lane, a private road, bisects the proposed severed and retained lots. Although the property has no water frontage, Lake of Bays is located close by, with the southerly boundary being approximately 90 ft away from the shoreline of the lake, while the northwesterly boundary is approximately 190 ft from the shoreline and separated by cottage lots and Charlie Thompson Road.

The retained lands contain an escarpment feature along its easterly boundary, which continues to rise to a rock knoll located in the centre of the lot. The knoll slopes steeply down in a southerly direction towards Lake of Bays. The remainder of the lot contains mature deciduous vegetation. An old driveway exists off Charlie Thompson Road which leads to a derelict cottage that appears to exist on the waterfront lot which separates the subject lands from Lake of Bays.

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09-79**

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

**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" – Franklin Ward, to By-law 04-181 is hereby amended by revising the "**Rural One (Ru1)**" Zone located on **Part of Lot 18, Concession 9, Franklin 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 21<sup>st</sup> day of July, 2009.

\_\_\_\_\_  
Mayor

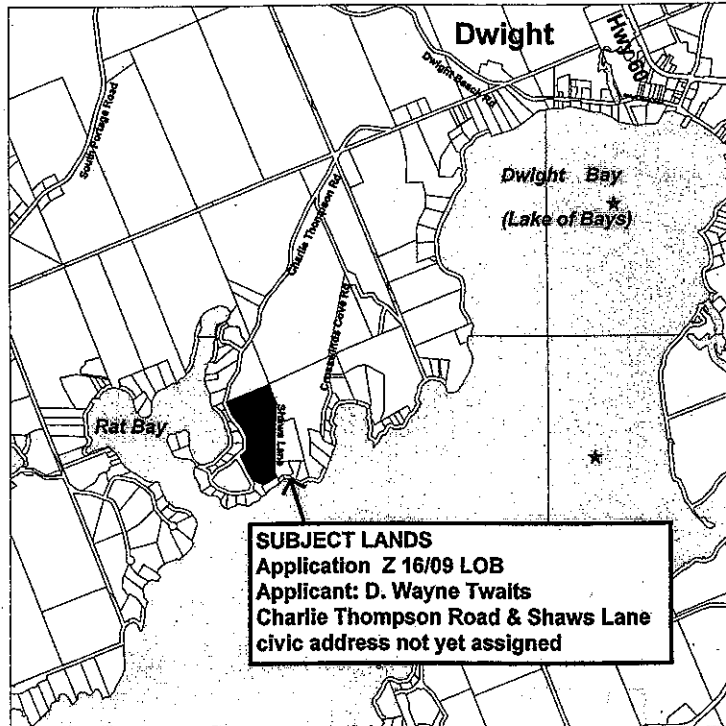
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Deputy Clerk

**READ** a THIRD time and finally passed this 21<sup>st</sup> day of July, 2009.


\_\_\_\_\_  
Mayor

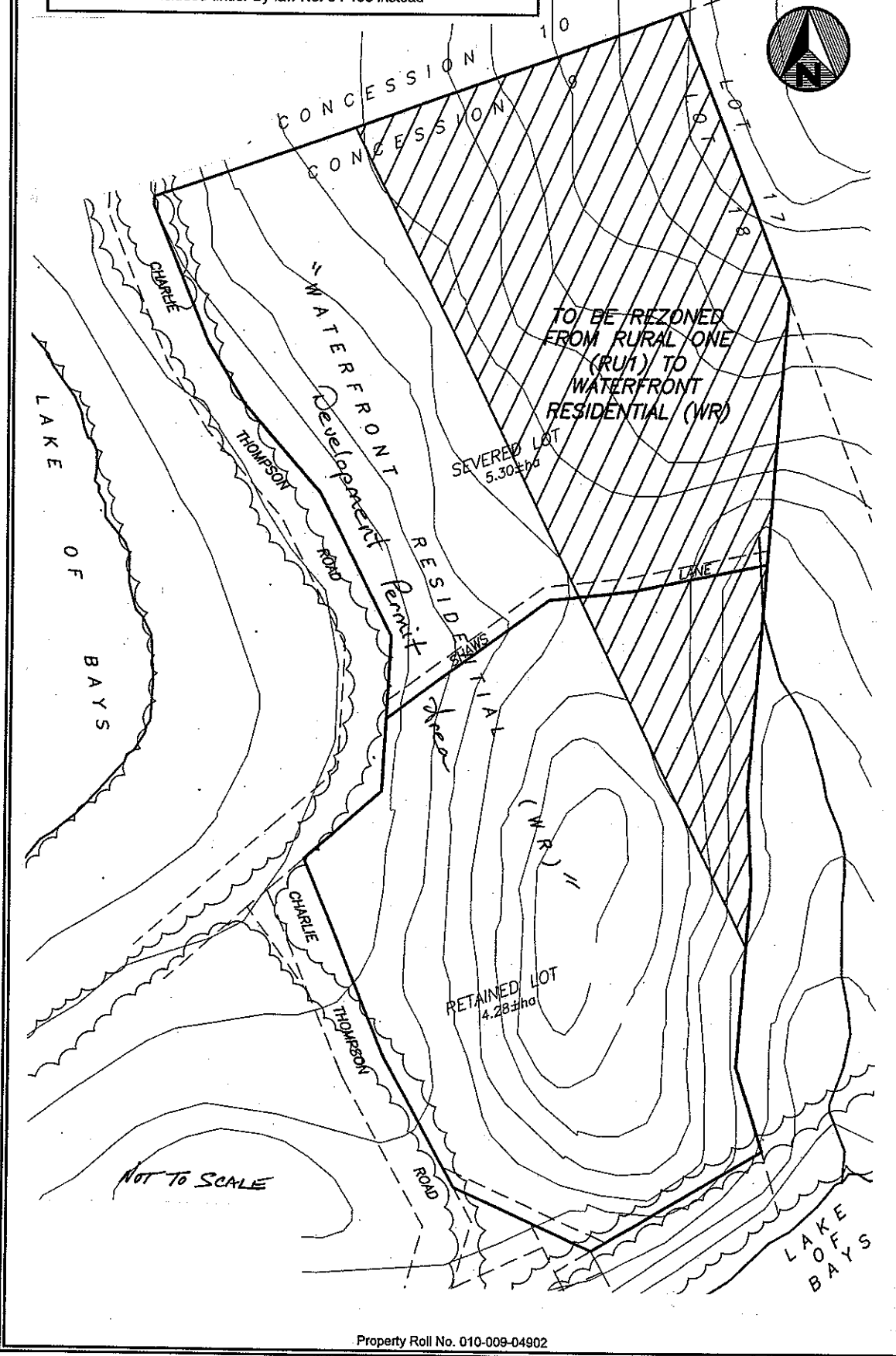
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Deputy Clerk

**SCHEDULE "A"**  
**By-law Amendment No. 09-79**



**SCHEDULE "B"**  
**By-law Amendment No. 09-79**

 Portion of subject lands to be removed from the "Rural One (Ru1)" Zone under By-law No. 04-181 so that it may be included under By-law No. 04-180 instead



**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09-80**

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

**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 is hereby amended by revising the "**Waterfront Residential (WR)**" Development Permit Area boundary located on **Part Lot 18, Concession 9, Franklin 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 21<sup>st</sup> day of July, 2009.

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Mayor

\_\_\_\_\_

Deputy Clerk

**READ a THIRD** time and finally passed 21<sup>st</sup> day of July, 2009.

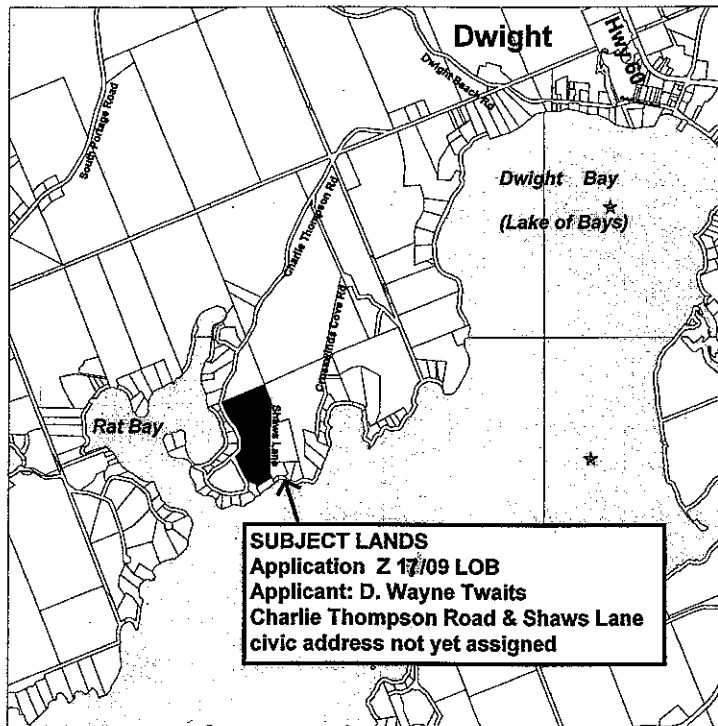
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Mayor


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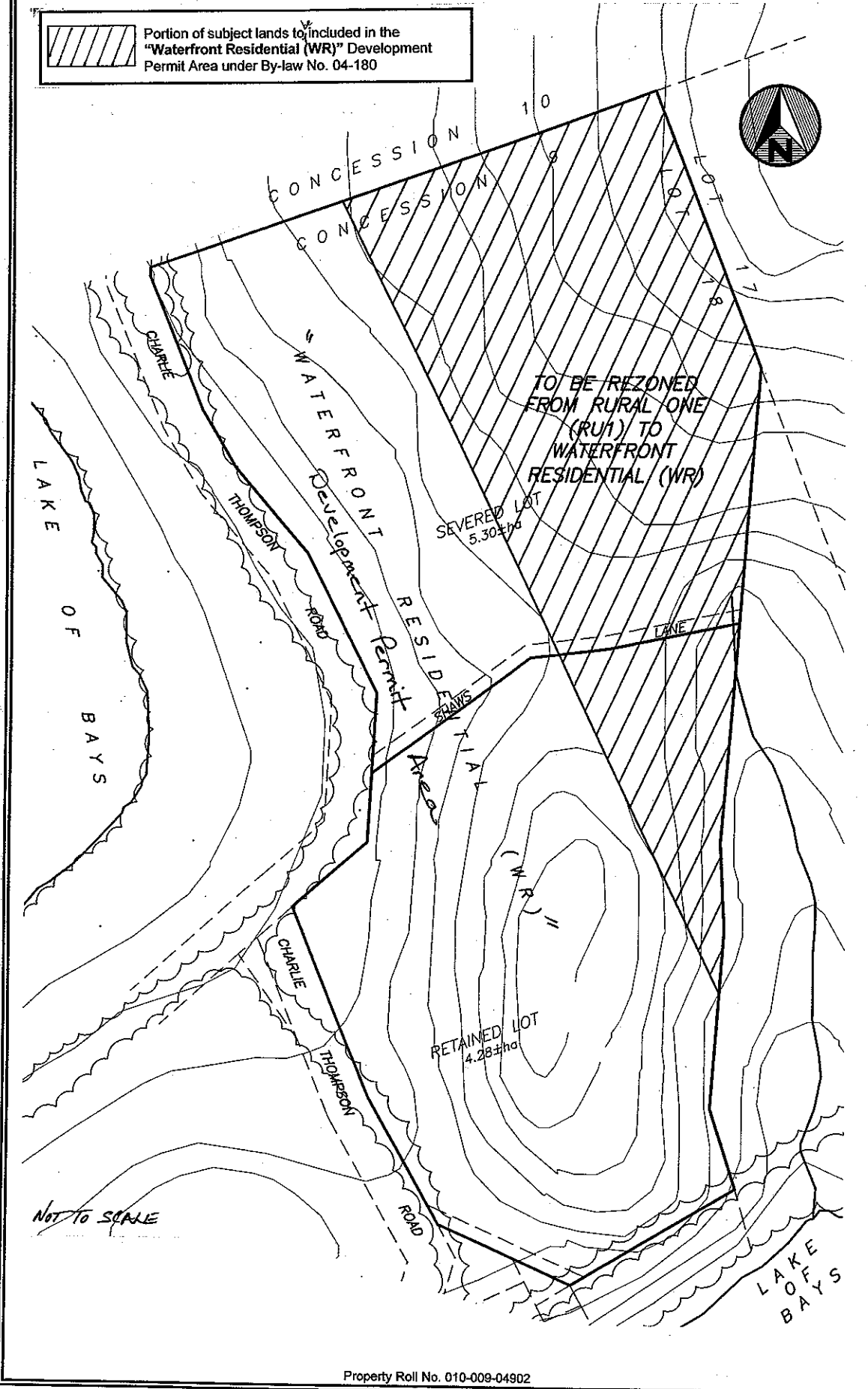
Deputy Clerk

**SCHEDULE "A"**  
**By-law Amendment No. 09-80**



**SCHEDULE "B"**  
**By-law Amendment No. 09-80**

 Portion of subject lands to be included in the "Waterfront Residential (WR)" Development Permit Area under By-law No. 04-180



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:** July 22<sup>nd</sup>, 2008  
**RE:** Consent  
Application: B 11/08 LOB (Twaits)  
Applicant: Wayne Twaits  
Agent: Wayne Simpson & Associates  
Part Lot 18, Conc. 9, Franklin Ward  
Roll No. 010-009-04902, on Lake of Bays  
Charlie Thompson Road - vacant

**COPY**

**RECOMMENDATION:**

That application B 11/08 LOB (Twaits) be **APPROVED**, subject to the following conditions:

1. That a registrable description of the severed and retained lands, together with any applicable rights-of-way over the subject lands, be submitted to the Secretary-Treasurer, along with two registered copies of the reference plan;
2. That the portions of the subject lands be rezoned to be removed from the Comprehensive Zoning By-law No. 04-181 such that the entire property be re-designated to be entirely included within the Development Permit By-law No. **04-180** as this application proposes to create new backlot properties that both physically and functionally relate to the waterfront designation and are adequately reflected in the applicable By-law Schedules;
3. That the Applicant enter into an Agreement with the Township of Lake of Bays under Section 51(26) of the Planning Act and this Agreement be registered on the title of the severed and retained lots. The Agreement shall state that a Development Permit, is required prior to development, site alteration, vegetation removal, or issuance of a building permit on the subject lands;
4. That final approval be subject to confirmation by the Township of Lake of Bays that the severed and retained lands are satisfactory for on-site sewage disposal; and
5. Cash in lieu of parkland dedication to be paid to the Township of Lake of Bays in the amount of \$1,034.62.

**ANALYSIS:**

At their previous meeting of May 27<sup>th</sup>, 2008, the Committee of Adjustment decided to defer making a decision on this application as it did not include the required site evaluation report clearly displaying that the proposed retained lot could be adequately developed when considering the identified slopes on site, in accordance with Section E.6 of the Township Official Plan. Copy of our previous staff report has been included for information purposes.

Since that time, the applicant's agent and staff attended the site to review the lands in order to potentially identify a suitable building envelope to be located outside of the identified slopes. As the severed parcel contains slopes between 30% and 40%, it is clear that several building envelopes exist

which can safely accommodate any future development. It is therefore recommended that a 51(26) agreement be placed onto the title of the severed parcel stating that prior to the removal of any vegetation, or site alteration, a development permit is necessary to ensure that a significant amount of the existing natural vegetation be retained on the existing slopes in accordance with Section E.2 and E.3 of the Township Official Plan.

As it relates to the proposed retained lands, the applicant's agent has provided a plan identifying two building envelopes that are located outside of any identified significant slope. These areas were confirmed on site and staff are now satisfied that the proposed lot can adequately accommodate an appropriate building envelope and flat areas where a building, septic and accessory structures may be constructed in the future.

In view of the foregoing, as the proposed severed and retained lots exceed the minimum requirements for new backlot development and in accordance with Sections E.2 and E.3 of the Official Plan, staff are now satisfied that the proposed severed and retained lots can now be adequately developed when considering the existing constraints.

In view of the foregoing, provided the above noted conditions are incorporated as part of the Committee's approval of this proposal, development of the lots could be carefully undertaken (considering the identified slope located on the subject lands), such that there is no substantial alteration of the landscape through the issuance of a Development Permit and that future development can be safely situated on the lots outside of any significant slopes. In addition, the recommended conditions also address the identified Deer Wintering Habitat and the agreements will also address the retention of existing natural vegetation to protect this habitat.

Staff have no concerns with the approval of this proposal, as the consent application generally conforms to both the District and Township Official Plans.

Respectfully submitted by:

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