

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

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

RE: DP 44/09 LOB
Applicant Robert Vanden Broek
Agent: Mike McCabe of Foxpoint Construction
Pt. Lot 18, Concession 4, Franklin Ward, on Lake of Bays
Roll No. 010-016-03400
Civic Address: 1164 Elder Drive

RECOMMENDATION:

That Council pass the following resolution to **APPROVE** the Category 2 – Development Permit Application **DP 44/09 LOB (Vanden Broek)**:

WHEREAS the applicant has submitted Development Permit Application **DP 44/09 LOB (Vanden Broek)** in order to seek relief from:

- i) Section 5.1.1(l) (Maximum Shoreline Activity Area Coverage), increase from the permitted 40% to 49.8% (47.7% existing);

of Development Permit By-law 04-180, in order to permit the construction of a dock, located in Pt. Lot 18, Conc. 4, Franklin Ward, on Lake of Bays (Vanden Broek) (1164 Elder Drive) (Franklin) (010-016-03400);

AND WHEREAS the identified shoreline activity area has been removed from the existing issued **DP 67/06 LOB** in order to prevent the removal of any shoreline vegetation without further approval under By-Law No. 04-180;

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: June 23rd, 2009 and marked: **DP 44/09 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.

FILE ORIGIN:

An application received and rendered complete on June 23rd, 2009 has been received from Robert Vanden Broek in which relief from Development Permit By-law 04-180 is requested.

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area and is developed with a recently re-built single family dwelling with attached deck, a re-located private cabin, and a dock with a boathouse. In 2007, as part of the decision by the Ontario Municipal Board (OMB) permitting the re-development of the subject lands, the OMB also approved the removal and re-construction of a 500 ft² dock in accordance with the Board Order Board's Order, No. 1051 (PL060970) and the approved site plan sketch for Development Permit Application **DP 67/06 LOB**.

During the winter months, the existing dock (Building Permit (BP No. 09-33) has been issued for the demolition of this structure), was damaged by ice and subsequently removed. The applicant now wishes to construct a dock but at a size of 600 ft² and in its original location, not in that which had been approved by the Board. Therefore, as the shoreline activity area coverage will be further exceeded as a result of the proposed construction, a Council Variation granting relief from Section 5.1.1(l)(Maximum Shoreline Activity Area Coverage) is required.

ANALYSIS:

Planning Comments

Council may recall that the direction of the Township Official Plan, (Sections H.21 and H.22), together with Sections 4.70 and 4.71 of the Development Permit By-law 04-180, promote a standard of 25% of the shoreline frontage up to a maximum of 23 metres (76 feet) for the maintenance of an appropriate balance between the natural shoreline and built form within the waterfront designation. In addition, Section H.20 of the Township Official Plan provides the design principles to be implemented when considering development within this designation. These design guidelines figure prominently in the determination of whether or

not there will be a negative visual impact when being viewed from the water's perspective.

Essentially, new development should blend into the natural shoreline and building mass and coverage should be limited in relation to the size and frontage of the property. Of particular importance is Section H.20(k) which maintains that shoreline activity areas should be defined and located in the most appropriate areas on the property, with the remainder of the lands being left in a natural state.

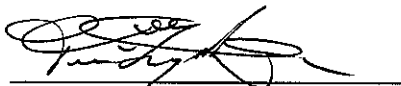
In this case, the lands are relatively level in the vicinity of the dwelling and private cabin and then slope gently down towards the shoreline of Lake of Bays. The property has been maintained primarily in a natural state with several large mature white pine trees present. As well, and as a condition of the Board's Order respecting application **DP 67/06 LOB**, many new trees and shrubs have recently been planted along the shoreline, thus assisting to minimize the potential for any offsite visual impact. Further, as the subject lands are comprised of approximately 91.4 metres (300 feet) of shoreline frontage, in accordance with Section H.22 of the Official Plan and the applicable By-law provisions, the lot would be permitted a shoreline activity area frontage of 22.9 metres (75 feet), just one foot shy of the maximum permitted.

Therefore, upon review of the revised Development Permit plans and attending the site, the newly constructed dock structure which is proposed to be located just around the corner from the existing dock/boathouse structure situated at the most westerly extent of shoreline would appear to be in one of the most appropriate locations, as it generally "tucks" into the well vegetated expanse of shoreline and will help to attenuate any unfavourable noise and/or visible impact that might otherwise be experienced by the neighbours located to the east.


In conclusion, when considering the location of the existing and expanded dock structure, the extent of shoreline frontage over the entire lot, the amount of existing shoreline vegetation, and as the balance of the shoreline, with the exception of the aforementioned dock/boathouse structure, remains undeveloped, and well vegetated, provided Council agrees that the portion of the shoreline yard outside of the identified Shoreline Activity Area Frontage be kept in a natural state and that a shoreline activity area not be identified in order to prevent the removal of any shoreline vegetation without further approval under By-law 04-180, staff have no concerns with the approval of this application and feel the proposal generally conforms to the intent and purpose of the Township Official Plan.

Respectfully submitted by:

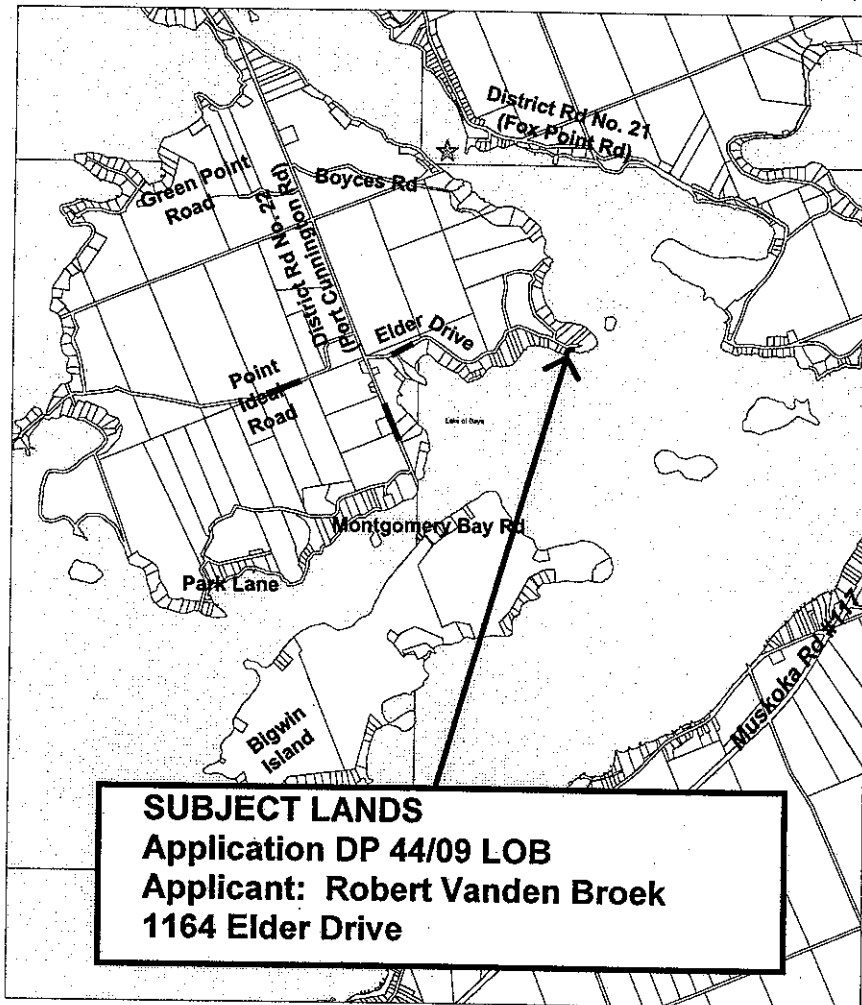
With the concurrence of:



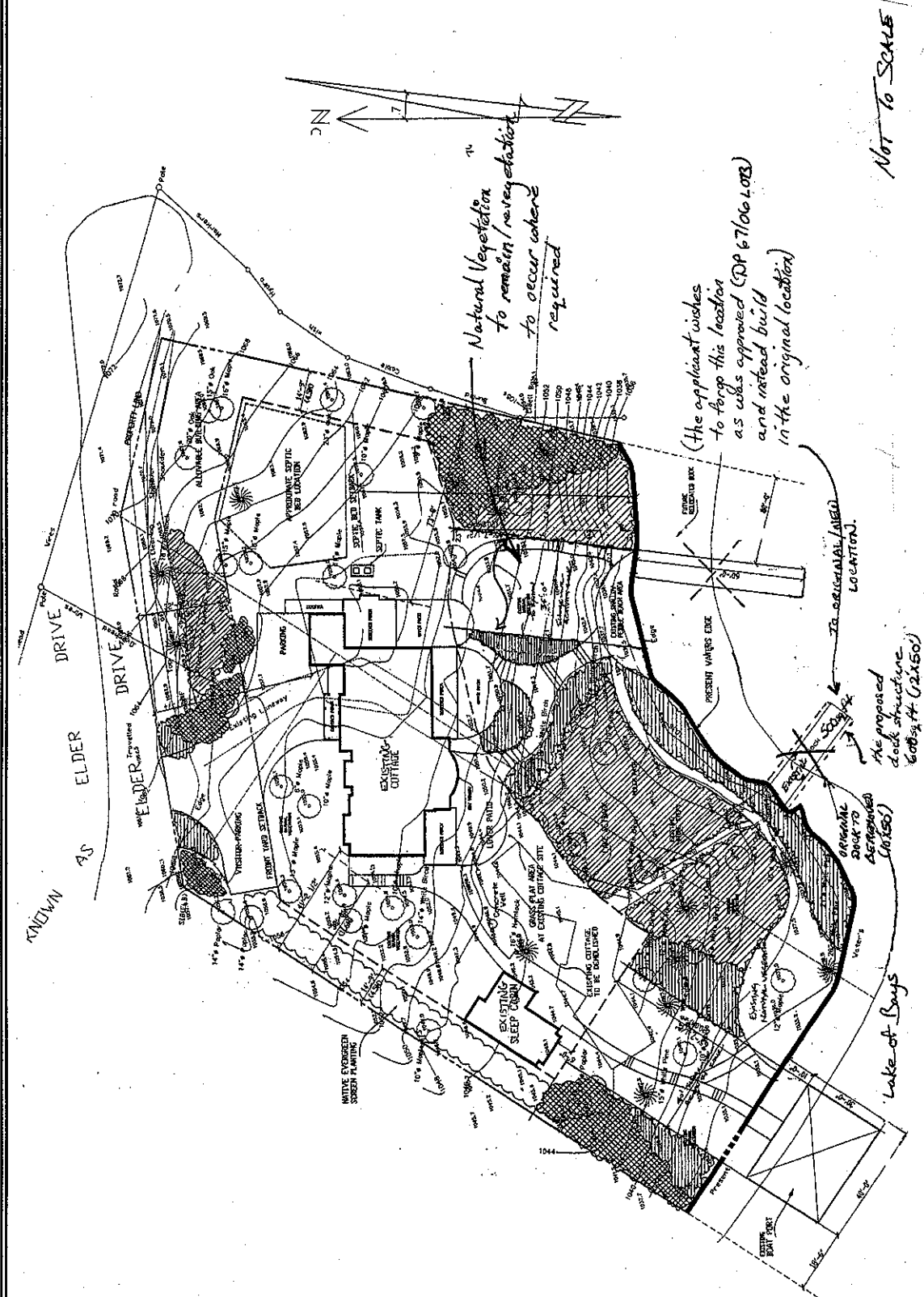
Terri-Lyn Magee
Planning Technician



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



KEY MAP
APPLICATION DP 44/09 LOB
Applicant: Robert Vanden Broek
Part Lot 18, Con. 4, Franklin Ward



*Natural Vegetation
to remain / re-vegetation
to occur where
required*

*(The applicant wishes
to forgo this location
as was approved (DP 6700 LOB)
and instead build
in the original location)*

Not to Scale

*The proposed
dock structure
600sq ft (2450)*

*ORIGINAL
DOCK TO
BE REPAIRED
(10150)*

Lake of Ruys