

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: March 24, 2009
RE: **BY-LAW AMENDMENT APPLICATION: Z 08/09 LOB**
Applicant: Joe Jakobek
Part Lot 17, Concession 11, Ridout Ward, on Trout (Chub) Lake
Roll No. 030-011-02303
Civic Address: not yet assigned

RECOMMENDATION:

That Application **Z 08/09 LOB (Jakobek)** to permit the construction of a set of shoreline stairs prior to the construction of the main use (dwelling) be **APPROVED** and that By-law 09-40 be given three readings.

ORIGIN:

An application has been received from Joe Jakobek to re-designate the subject lands. The property is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180, and is currently vacant. The applicant wishes to install stairs on the rock face present on the property in order to safely access the shoreline and the permitted dock structure (the construction of the dock received approval by way of issuing **Development Permit No. 101/08 LOB**). As By-law 04-180 only permits the construction of a dock and shed prior to a principal use being established on a property, an amendment is necessary in order to permit the construction of the stairs.

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-E202"** Development Permit Area. The effect of the "**WR-E202**" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

- i) Section 4.3 (Sequence of Development), add "stairs" to the permitted structures that may be erected prior to a principal use being established on the property.

BACKGROUND:

Previous Files:	B 131/99 LOB; C 04/00 LOB (51-26 Agreement); and DP 101/08 LOB.
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Natural Constraints:	<ul style="list-style-type: none"> • 30%-40% Slopes. • Narrow Waterbody. • Category 3 Lake (Trout Lake)
Lake Phosphorus Sensitivity:	<ul style="list-style-type: none"> • Moderate Sensitivity to phosphorus.
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.
OSRA Status:	<ul style="list-style-type: none"> • Closed.

Site Characteristics:

Portions of the property have recently been re-vegetated and seeded. The remainder of the property, including the shoreline yard contains existing mature vegetation. The lot slopes gently in a northerly direction from an existing driveway to centre of the lot where you find an appropriately sized building envelope. The shoreline yard is comprised of mainly a rocky steep cliff where it levels off near the water.

Surrounding Uses:

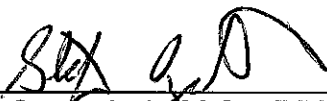
The surrounding lands contain low density residential uses.

ANALYSIS:

Section 4.3 of By-law No. 04-180 permits the construction of a dock and a shed prior to the construction of the main use (dwelling). The purpose of this provision is to permit an individual to access their property from a boat and also store items on the property where road access may not be available to the property. As it is the overall intent of the By-law to provide access to and from the shoreline, it is reasonable to also permit the construction of stairs in order to safely access the shoreline where significant terrain constraints exist within the shoreline area.

Staff have no objection to the proposed amendment and feel that this proposal generally conforms to the intent and principles of the Muskoka and Township Official Plans and is consistent with the Provincial Polity Statement.

Respectfully submitted by,



 Stefan Szczerbak M.Sc, RPP, MCIP
 Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-40**

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

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 17, Concession 11, Ridout 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-E202)"** Development Permit Area, as shown on the attached Schedule "A".

2. Section 7 of By-law 04-180 be amended by the addition of the following:

"WR-E202:

On lands designated "WR-E202"; as shown on Schedule "A" attached to By-law 09-40, 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:

a) In addition to those accessory structures listed in Section 4.3 (Sequence of Development), a set of accessory stairs located in the shoreline yard is also permitted prior to the construction of the primary use/structure. "

3. Schedule "A" 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 24th day of March, 2009.

Mayor

Deputy Clerk

READ a THIRD time and finally passed this 24th day of March, 2009.

Mayor

Deputy Clerk

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MAR 17 2009

17 MAR 2009

To Council Members

I am writing to state I am against the proposed amendment to By law 04-180. I am a full time year round resident of Trout (Chub) Lake and have concerns of stairs being built before a residence is built as this property owner has shown no respect to his property or others in the past. His clear cutting of his land shows us that we need to be concerned of his request to build access to the lake before his residence. What will he be using this access for and in what lengths will he go to to not harm that protected waterfront.

Also as council members you should take into account when people are asking for permits to build onto dwellings that are accessed on private roads, how are these roads look to your wisdom to protect when & what can use these roads or that the people that possibly destroy roads when crossing with heavy equipment or materials are made accountable to repair said roads.

I as a full time resident have seen what careless thoughtless people can do to a road in a matter of a weekend & implore that is Council

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MAR 17 2008

sees fit in allowing this amendment
be made that it at least protects
its other tax payers & make
the people building on Trout (Chub) Lake
be accountable for repairing any
damages made to this delicate private
roads

Thank you for your time
June Haist

Roll # 4427030 011001000000

[REDACTED]