

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 09/09 LOB**
Applicant: Robert Kerr
Agent: Tom Stead of Thomas J. Stead Construction
Part Lot 21, Concession 2, Franklin Ward, on Lake of Bays
Roll No. 010-017-04300
Civic Address: 2 Zephyr Island

RECOMMENDATION:

That Application **Z 09/09 LOB (Kerr)** to permit the construction of an 80 sq.ft. accessory structure located in close proximity to the main dwelling be **APPROVED** and that By-law 09-41 be given three readings.

ORIGIN:

An application has been received from Robert Kerr 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 developed with a dwelling and attached deck, three private cabins, a gazebo, a marine storage building, and three dock areas; one of which includes a boathouse. The applicant wishes to construct an 8 x 10 ft bathhouse in order to service the guest cabins. As the proposed construction would exceed the lot coverage provisions for the property, an amendment to By-law 04-180 is necessary in order 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-E204"** Development Permit Area. The effect of the "**WR-E204**" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

- i) Section 5.1.1(i) (Maximum Lot Coverage), increase from the allowable 8%.

BACKGROUND:

Previous Files:	DP 03/07 LOB.
Natural Constraints:	• Narrow Waterbody.

Lake Phosphorus Sensitivity:	• Moderate Sensitivity to phosphorus.
LOB Official Plan:	• Waterfront.
District Official Plan:	• Waterfront.
LOB By-law 04-180:	• Waterfront Residential “(WR)” Development Permit Area.
OSRA Status:	• Closed.

Site Characteristics:

Zephyr Island is located in the channel between the Port Cunningham public access point and Bigwin Island. The island is comprised mainly of mature vegetation. The dwelling is somewhat visible from the water's perspective.

Surrounding Uses:

Bigwin Island is located south of the island. To the north, the mainland lots are generally developed with low density residential uses accessed from Port Cunningham Rd. The Port Cunningham Marina is located northeast of the island.

ANALYSIS:

Natural Constraints

With respect to the narrow waterbody, as the proposal does not include any new development at the water's edge, staff feel that there would be little to no impact to this feature.

Proposal

A review of the proposal and when reflecting back on the site visit conducted in 2007 (DP 03/07 LOB) has indicated that the proposed structure will be located outside of the required 20 metre setback and a significant portion of the shoreline yard currently contains mature, natural vegetation.

When considering the proposed location of this structure, it would appear that it is situated behind two of the private cabins and dwelling which in essence will provide a buffer from the shoreline (Section H.20).


Upon review of the proposed increase to the coverage on the island, Section 5.1.1(i) permits a total of 8% within this area located outside the Shoreline Yard. An island would typically be at a disadvantage due to the removal of the first 20 metres of the entire lands. Our calculations show an existing coverage of approximately 22.1%. The applicants are proposing an increase to 22.7%, in order to facilitate the construction of this structure.

If we were to look at the "total lot coverage", that is the total square footage of all buildings and/or structures as a percent of the total land area (non-flooded) we would observe it to be at approximately 7.8% (existing) and 7.9% (proposed). Further, if we look at shoreline activity area coverage, the total of all structures lying within the first 65.6 ft is 55%. Therefore, regardless of size and/or location, any future development on the island must be reviewed and approved by Council.

Finally, the applicant is currently involved in discussions with the Building Department relating to the septic system. Should this proposal require a change to the existing design flow rate, the applicant must abide by the applicable By-law provisions and the Ontario Building Code.

Accordingly, staff feel that this application generally conforms to the intent and purpose of the Township Official Plan and Muskoka Official Plan.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-41**

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

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 21, Concession 2, 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-E204)**" 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-E204:

On lands designated "WR-E204", as shown on Schedule "B" attached to By-law 09-41, 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) Substituted Development Permit Designation Provisions:

MAXIMUM LOT COVERAGE

SITUATION	STANDARD
All other situations	18.3%

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

Mayor

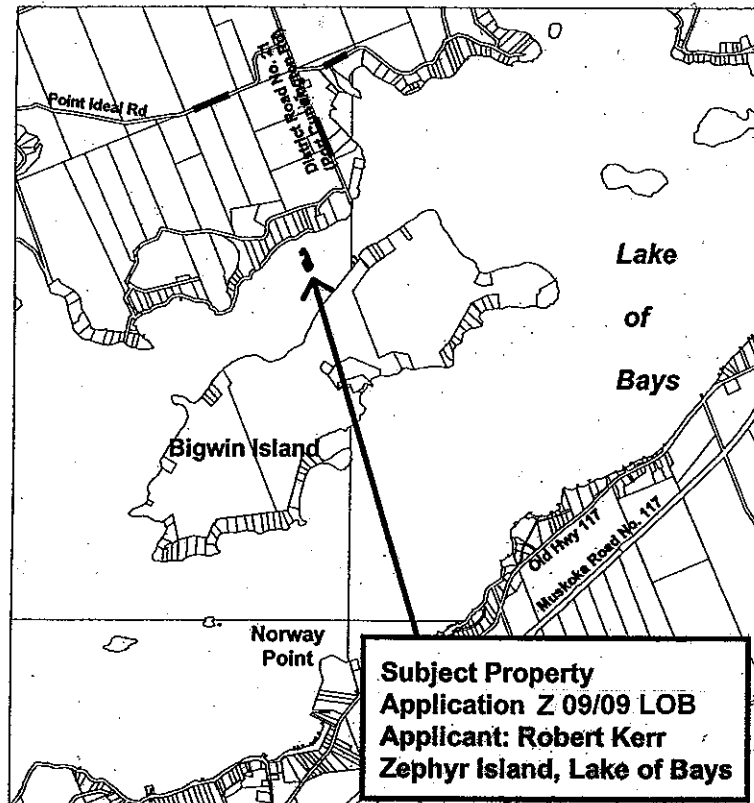
Deputy Clerk

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

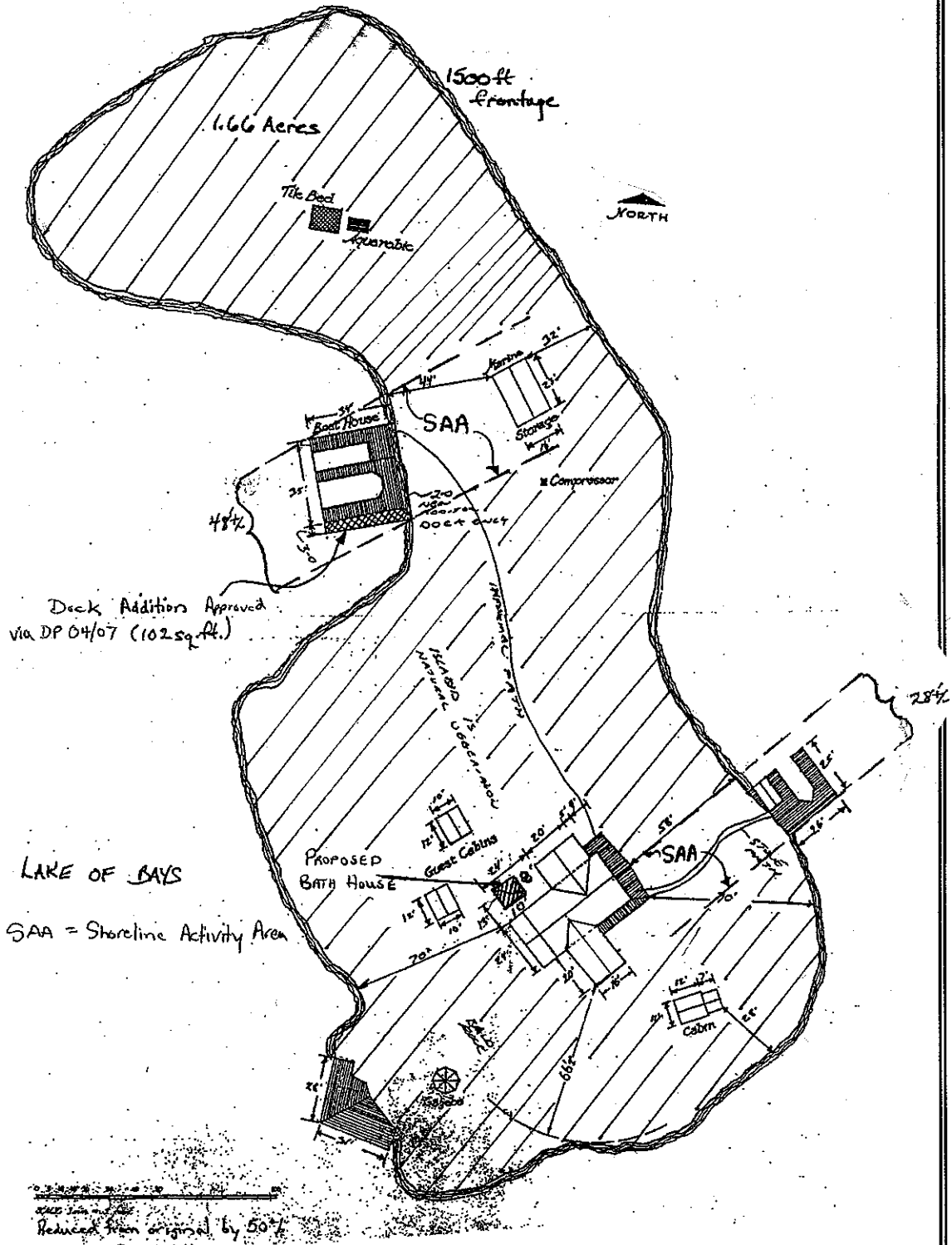
Mayor

Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-41



SCHEDULE "B"
By-law Amendment No. 09-41




Deck Additions Approved
 via DP 04/07 (102 sq. ft.)

LAKE OF BAYS
 SAA = Shoreline Activity Area

Reduced from original by 50%

Total Shoreline Activity Area Frontage
 Limited to 76 Feet.

SZEPHYR ISLAND LAKE BAYS
 CONC. & PAV. LOTS: FRANKLIN
 ROLL NO. 4427. 010 017. 04300

 **SUBJECT LANDS** to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E204)" Development Permit Area