

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

**TO:** Mayor & Members of Council  
**FROM:** Stefan Szczerbak, Planner  
**DATE:** March 24<sup>th</sup>, 2009  
**RE:** DEVELOPMENT PERMIT APPLICATION: DP 03/09 LOB  
(Lischkoff)  
Applicant: James & Debbie Lischkoff  
Part Lot 12, Concession 8, Finlayson Ward, on Tasso Lake  
Roll No. 020-014-00400  
Civic Address: 1049 Ralston Road

**RECOMMENDATION:**

That Council pass the following resolution to **APPROVE** Development Permit Application DP 03/09 LOB (Lischkoff):

WHEREAS the applicants have submitted Development Permit Application DP 03/09 LOB (Lischkoff) in order to seek relief from:

- i) Section 5.1.1 (k) (Maximum Shoreline Activity Area), increase from 23 metres to 41 metres)

of Development Permit By-law 04-180, in order to permit the relocation of an existing and legal and non complying shoreline activity area, located in Pt. Lot 12, Conc. 8, Finlayson Ward, on Tasso Lake (Lischkoff) (1049 Ralston Road) (Finlayson) (020-014-00400);

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: January 9<sup>th</sup>, 2009 and marked: **DP 03/09 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.
6. That the recommendations contained in Pavey Tree Arborist Report dated March 2<sup>nd</sup>, 2009 be implemented with respect to increased planting density preferred tree species and selective vegetation removal and thinning to promote the development of a healthy shoreline yard.

#### **ORIGIN:**

An application has been received from James and Debbie Lischkoff, in which relief from Development Permit By-law 04-180 is requested.

The lands, which are currently located within the "**Waterfront Residential (WR)**" Development Permit Area, are developed with a single family dwelling with attached deck, two private cabins and a dock. The applicants are seeking relief in order to relocate the existing legal non-complying shoreline activity area in an effort to provide additional privacy. The applicant proposes to re-vegetate a portion of the open shoreline such that it would no longer form part of the shoreline activity area. The resulting area would be shifted in a westerly direction and would be no wider than what currently exists. In addition, they wish to formalize a walking trail which includes the removal of some shoreline vegetation.

As the proposed relocation involves expanding into an area not currently part of the non-complying shoreline activity area frontage, a Council Variation in accordance with Section 4.76 of the Development Permit By-law No 04-180 is required to exempt the following Section:

- i) Section 5.1.1(k)(Maximum Shoreline Activity Area Frontage), increase from the maximum allowable 23 metre (75.5 ft).

#### **Site Characteristics and Description:**

The lands, 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, are developed with a single family dwelling, two existing sleeping cabins, a garage and a dock.

Due to the size of the property (9.7 hectares with approximately 750 metres of shoreline frontage), the topography of the property varies from level wetland areas to areas containing steep slopes and rock outcrops. The property contains a vast amount of natural vegetation

except for the general areas surrounding the dwelling and the non-conforming shoreline activity area. The dwelling is visible when viewed from the water.

**Surrounding Uses:**

The surrounding lands contain low density residential uses.

**ANALYSIS:**

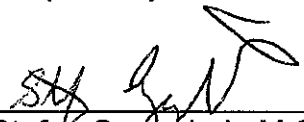
Upon review of the subject application and attending the site, the proposed Shoreline Activity Area adjustment has been submitted to afford the applicant with additional privacy to their dwelling when considering the amount of boat and snowmobile traffic occurring in front of their property and the existing location of open shoreline. Conversely, when viewing the property from the water, this westerly shift of the Shoreline Activity Area would eventually blend the existing development into the existing and proposed shoreline vegetation buffers.

While the Township's Official Plan (J.41) and Development Permit By-law (Section 4.75) recognize non-complying shoreline activity areas, Section H.23 (Official Plan) and Section 4.76 of the By-law requires an overall net gain of shoreline vegetation when reviewing new development applications. In addition, it is the direction of the Official Plan (Section D.10) to consider several principles to ensure that existing or proposed development is sympathetic with the natural landscape and will be designed to maintain the natural characteristics and features of the individual lot. Some of these principles require that built form should not dominate the landscape and visual impacts should be minimized. With respect to preservation of the waterfront characteristics, Sections H.18, H.19 and H.20 provide additional design principles when considering similar applications. It is noted that shoreline vegetation removal is also permitted within the Shoreline Yard when it is supported by a prescription from a professional arborist. A copy of the Pavey Tree Arborist Report accompanying this proposal is attached for information.

Finally, it is noted that this Development Permit also includes the creation of a walking trail generally located within the first 30 metres of the shoreline. Some vegetation removal is required due to terrain constraints. This vegetation removal is permitted as-of-right; however, it must form part of this proposal.

In view of the foregoing, as the applicant has proposed the relocation of an existing shoreline activity area while re-vegetating a portion of this area, and as this proposal is supported by a Professional Arborist staff have no concerns with the approval of this application and feel that 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 the Development Permit By-law No. 04-180.

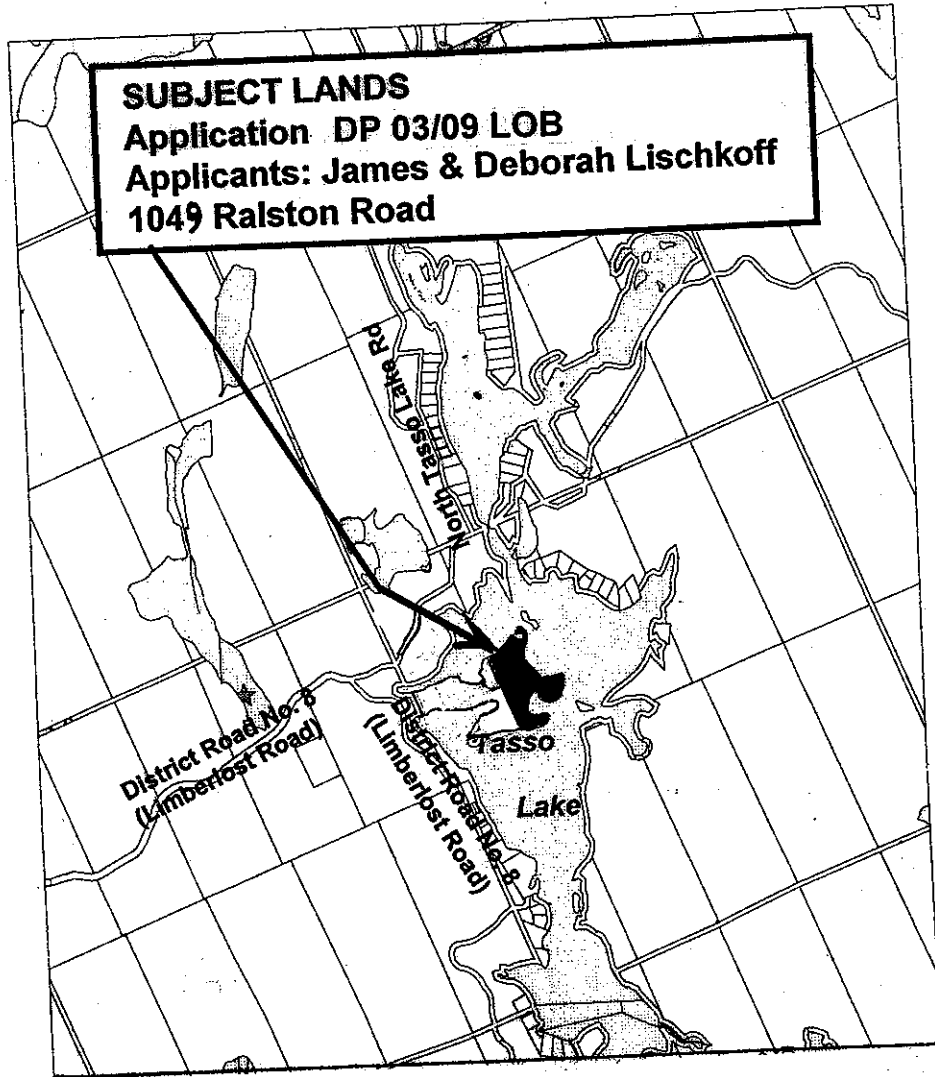
Respectfully submitted by:

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

**SUBJECT LANDS**

**Application DP 03/09 LOB**

**Applicants: James & Deborah Lischkoff  
1049 Ralston Road**







# PAVEY TREE

A Division of ARBOR VISTA Ltd.



Box #5 Dwight, Ontario P0A 1H0 • (705) 635-TREE (8733) • 1-877-635-TREE • Fax: (705) 635-3888

Tuesday, March 3, 2009

Mr. James Lischkoff, Mr. Stephen Szczerbak  
Re: Development Permit Application DP 03/09 LOB

The following is a summary of our recent site visit with Mr. James Lischkoff, Monday February 16, 2009, at his property situated at 1049 Ralston Rd. on Tasso Lake, Finlayson Ward Conc. 8, Lot 11-12, Lake of Bays Township.

"The purpose of the application (Development Permit Application DP 03/09 LOB) is to request approval for vegetation removal and re-planting in the shoreline area south of the main cottage and adjacent log cabin and to define a distinct activity area."

Mr. Lischkoff engaged Phil Pavey - Pavey Tree to help establish criteria for the tree development of his property. Mr. Lischkoff has an appreciation of his surroundings, the Lake of Bays Site Development Policy, and wishes to comply with the various by-laws for his development. Mr. Lischkoff wishes to enhance his development property with vegetative privacy, improve solar penetration, as well as increase his southern view and a view into an adjacent south bay and point, both of which are part of his parcel.

### **History:**

The property is situated on an East/West peninsula, terminating along the West shore of Tasso Lake.

The tree species and road excavations indicate that the point consists primarily of glacial till, and sandy-to-sandy loam soils.

This area was logged many years ago, but healthy old stands of Eastern Hemlock continue to grow on the point, along with mixed shade intolerant species, and pioneer species.

### **Observations:**

- The south shore of the main cottage point is almost sand/gravel mix. This site has been simply developed over the years. There has been some bank erosion over the years due in part to water flow regulation and increased boating activity.
- There is a lack of natural shoreline vegetation. It was suggested to increase and encourage shoreline vegetation, with various indigenous types including but not limited to: Alder, Labrador Tea, Autumn Olive, and various sedges. Reasons why these plants are not naturally growing include water flow regulation and wash from boat traffic.
- Due to the existing soil conditions, Mr. Lischkoff is limited to his selection of trees that could be planted on this point. Preferred species include those that are already present such as, White Pine, Red Pine, Eastern Hemlock, White Birch, Yellow Birch, Black Cherry, and Red Maple. We suggested that if he wished privacy from the existing water

expect a certain amount of failures, and be able to thin the plantings, for future generations. This would mean cutting and thinning as required over the next 30-50 years. This should be noted on the plan, and that provisions be made by the Township for this type of removal.

- The points west and north of the main cottage are almost a monoculture of Eastern Hemlock, many of which exceed 150 years, and can be retained, however, they take up so much sunlight, that the forest floor has a lack of vegetation. They are also prone to insect damage such as – Hemlock Borer. If this insect were to become prevalent in this area then these trees will fail. Due to the proximity of these trees to the lake and that they are situated on a point, developing wildlife openings, or openings for increased forest vegetation is restricted.
- It is the hope of Mr. Lischkoff, that he removes the existing cottage and re-oriens the new cottage to face south/south west. This would suggest that a number of existing trees would need to be eliminated, and some would be pruned. These trees have been identified, many of which are dead, in a state of standing decay, and some that would have height issues with a new building.

**Conclusion:**

It is my opinion that Mr. Lischkoff is showing good foresight and stewardship to the development of his property. Based upon Mr. Lischkoff's presentation, it is my opinion that the proposal for vegetation and tree removal be accepted, and that the planting of species be permitted. This will help define the actual building envelope and waterfront activity areas.

Dutifully Submitted:

  
Phil Pavey – ISA Certified Arborist – ON-0548A, Forest Technician  
Pavey Tree – Arbor Vista Ltd.