

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 51/08 LOB**
Applicants: Geoffrey Martin & Marnie Wraith
Agent: Paul Greenaway
Part Lot 24, Concession 13, Ridout Ward, on Lake of Bays
Roll No. 030-011-12700
Civic Address: 1002 Wawa Lane

RECOMMENDATION:

That Application **Z 51/08 LOB (Martin & Wraith)** to permit the reconstruction of a dock be **APPROVED** and that By-law 09-13 be given three readings.

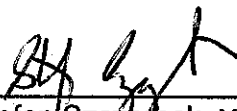
ANALYSIS:

At their January 27th and February 24th, 2009 meetings, members of Council decided to defer making a decision on this application in order to permit the applicant additional time to revise their plans to ensure the new structure would not significantly extend further out into the water than what was previously in place 10 years ago and provide Council with additional information with respect to the need for a 180 sq.ft. dock extension versus a slightly reduced 140 sq.ft. dock extension. Copies of the previous staff reports are included for information.

Since that time, the applicant has decided to request that Council consider their 180 sq.ft. proposal as they feel they are in keeping with the original dock extension which was in place 10 years ago. In addition, several Council members expressed some concerns related to the cribbage size and the applicant has requested their builder be in attendance at the March 24th meeting.

In view of the foregoing, staff continue to support this application as the proposal continues to conform to the overall intent of the Township's Official Plan and Development Permit By-law.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-13**

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

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 re-designating a portion of **Part Lot 24, Concession 13, 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-E193)"** 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-E193:

On lands designated "WR-E193", as shown on Schedule "A" attached to By-law 09-13, 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:

- i) Despite the requirements of Section No. 4.64 c), the maximum allowable length of the dock shall be 31.7 metres from the shoreline.
- ii) Substituted Development Permit Area Provisions:

I) MAXIMUM SHORELINE ACTIVITY AREA COVERAGE

SITUATION	STANDARD(a)	STAFF VARIATION	COUNCIL VARIATION
All	71.0%	None	Any

3. Schedules "A" and "B" hereby form 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

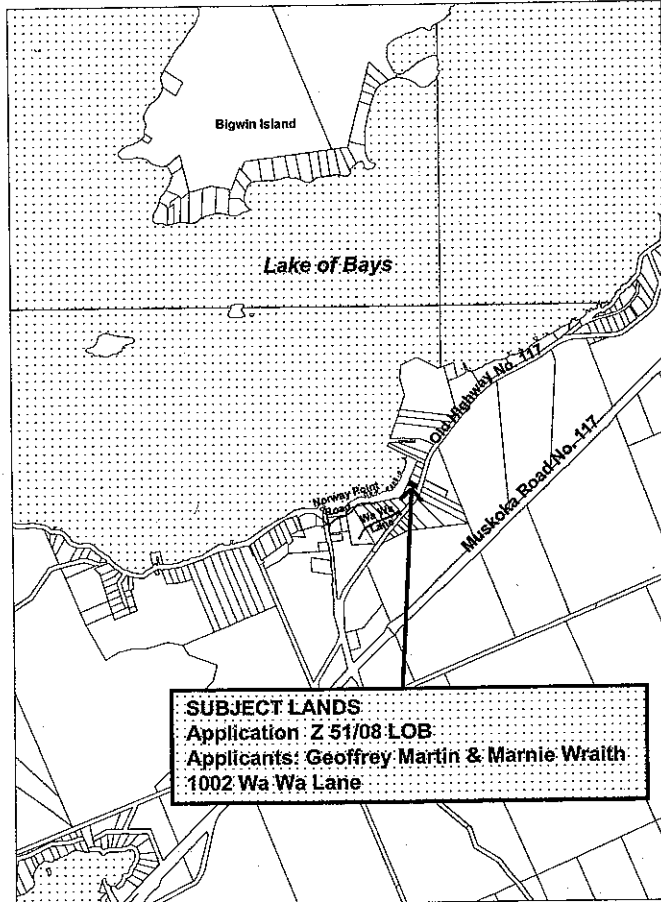
Deputy Clerk

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

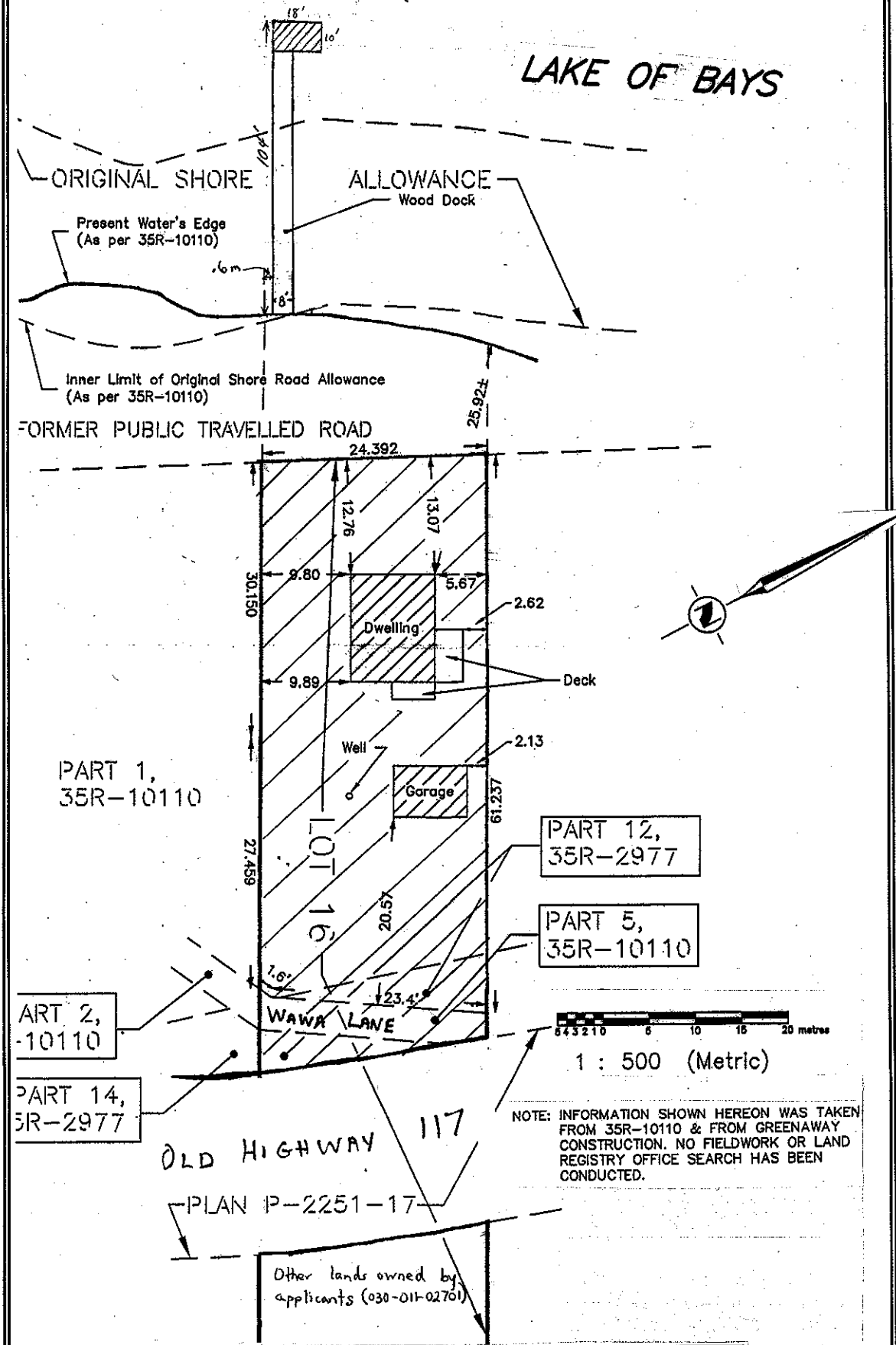
Mayor

Deputy Clerk


SCHEDULE "A"
By-law Amendment No. 09-13



SCHEDULE "B"
By-law Amendment No. 09-13



NOTE: INFORMATION SHOWN HEREON WAS TAKEN FROM 35R-10110 & FROM GREENAWAY CONSTRUCTION. NO FIELDWORK OR LAND REGISTRY OFFICE SEARCH HAS BEEN CONDUCTED.

 **SUBJECT LANDS** to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E193)" Development Permit Area

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: February 24, 2009

RE: **BY-LAW AMENDMENT APPLICATION: Z 51/08 LOB**
Applicants: Geoffrey Martin & Marnie Wraith
Agent: Paul Greenaway
Part Lot 24, Concession 13, Ridout Ward, on Lake of Bays
Roll No. 030-011-12700
Civic Address: 1002 Wawa Lane

RECOMMENDATION:

That Application Z 51/08 LOB (Martin & Wraith) to permit the reconstruction of a dock be **APPROVED** and that By-law 09-13 be given three readings.

ANALYSIS:

At their January 27th, 2009 meeting, members of Council decided to defer making a decision on this application in order to permit the applicant additional time to revise their plans to ensure the new structure would not significantly extend further out into the water than what was previously in place 10 years ago. In addition, Council also requested a cross-section to indicate the approximate water depths surrounding the existing dock. A copy of the previous planning report is attached for information.

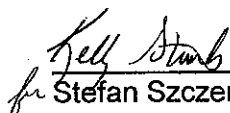
Since that time, the applicant has revised their plans in order to address the concerns raised by Council and the abutting neighbours. The following chart summarizes the situation:

	Existing Dock Length	Originally Proposed Dock Length	Newly Proposed Dock Length
Portion over water	94 feet (plus former 8 x 16 foot end cap)	114 feet (including proposed 14 x 22 ft end cap)	104 feet (including 10 x 18 foot end cap)
Dry-land portion	6 feet	0 feet	0 feet
TOTAL	100 feet	114 feet	31.7 metres (104 feet)

When reviewing the revised plans, staff have also included a cross-section identifying the approximate water depths in this area. It is noted that the applicant has revised their plans to construct a dock which is similar in length to what was formerly in place.

In view of the foregoing, staff are now satisfied that the revised proposal conforms to the overall intent of the Township's Official Plan and Development Permit By-law.

Respectfully submitted by,



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

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: January 27, 2009

RE: **BY-LAW AMENDMENT APPLICATION: Z 51/08 LOB**
Applicants: Geoffrey Martin & Marnie Wraith
Agent: Paul Greenaway
Part Lot 24, Concession 13, Ridout Ward, on Lake of Bays
Roll No. 030-011-12700
Civic Address: 1002 Wawa Lane

RECOMMENDATION:

That Application Z 51/08 LOB (Martin & Wraith) to permit the construction of a dock addition be **DEFERRED** to permit the applicant with additional time to revise the proposal and receive written confirmation from the authority having jurisdiction (Canada Coast Guard) prior to Council's consideration as the requested addition does not conform to Section D.17 and H.20, H.22 and J.41 of the Township Official Plan.

ORIGIN:

The property is located within the "Waterfront Residential (WR)" Development Permit Area, and is developed with a single family dwelling with attached decks, a garage, and a dock. The applicants propose to reconstruct the existing dock of 100 ft long by 8 ft wide, and to extend the tip of the dock out an additional 14 ft long by 22 ft wide in order to replace a similar portion of the dock (although slightly larger) for a total length of 114 ft. As the proposed dock is greater in length than the permitted 20 metres (66 feet) from the high water mark, and the shoreline activity area coverage exceeds the maximum allowed under By-law No. 04-180, a by-law amendment is required.

Accordingly, the purpose and effect of this application is to re-designate the property from the "Waterfront Residential (WR)" Development Permit Area to the "Waterfront Residential with an Exception (WR-E193)" Development Permit Area. The effect of the "(WR-E193)" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

- i) Section 4.64(c), increase the distance a dock may extend from the high water mark from 20 metres (66 feet) to 33 metres (108 feet – with an additional 6 feet located on dry land);
- ii) Section 5.1.1(l), (Maximum Shoreline Activity Area Coverage), increase from 40% (61% existing) to 84% in order to accommodate the proposed dock extension;
- iii) Section 5.1.1 (k), Maximum Shoreline Activity Area Frontage, increase from 25% to 27% and
- iv) Section 5.1.1 (f), Minimum Interior Side Yard Setback), decrease from the required 4.5 metres to 0.6 metres (2 ft) for the proposed addition to the straight line projection of the southerly lot line.

BACKGROUND:

Previous
Files:

• n/a

Natural Constraints:	<ul style="list-style-type: none"> • Narrow Waterbody; and • "Type 2" Fish habitat.
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"> • Open – majority is flooded • A former public travelled road in front of Registered Plan 6 (Ridout) exists fronting the subject lands

Site Characteristics:

The subject lands, which slope in a northwesterly direction towards the Lake of Bays, are considered an existing, developed and undersized lot. The lot is mainly cleared of vegetation surrounding the dwelling and garage. The shoreline yard contains some mature and natural vegetation although an old road bed forms part of the Shoreline Activity Area. The dwelling is visible from the water's perspective.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

The applicant is requesting that Council consider the replacement of a portion of the existing dock which would appear to have been damaged by ice approximately 8 to 10 years ago. Although Section 4.37 permits the construction of a legal, non complying structure, Section 4.40 places a two year time limit for the reconstruction of the structure which was damaged or destroyed. Therefore, the reliance on Sections 4.37 through 4.40 does not apply.

As this structure is considered a legal and non complying structure, Section J.41 of the Official Plan recognizes this structure within the applicable By-law. Section J.41 could consider the expansion of this structure provided it meets the intent of the Plan policies and that it would not have a negative impact on the environment or the abutting properties.

Dock Extensions

When considering extensions to dock structures in excess of the maximum permitted, the direction of the Official Plan (Section D.17) is that it may consider some structures to extend beyond the normal controlled high water mark provided that the following matters are appropriately addressed:

Navigation

The applicant has indicated that the lake appears to be very shallow along this reach of shoreline. Although staff have attended the site, the lake remains frozen and difficult to determine the actual depth of water in this location. In addition, it is imperative that the Canada Coast Guard be circulated with this proposal and that they provide approval for this proposal prior to Council's consideration.

Privacy and Views

Upon attending the site and considering the immediate surrounding neighbourhood, as many of the lots in this area are developed and undersized, the surrounding shoreline is very congested due to the number of large docking structures. It would appear that this dock is one of the largest structures in the area and it would appear that the structure projects out further than most of the adjacent structures. Therefore, staff felt that an additional 14 feet dock extension would further exacerbate the congestion and privacy and views from this structure.

In addition, the application included a survey sketch which indicates a very small side yard setback to the existing structure. However, the sketch includes a cautionary note that the surveyor did not attend the site and this sketch was completed via information presented to the surveyor via conversation. It is therefore recommended that the southerly side lot line be projected out into the lake to ensure any further additions to this dock do not encroach closer or onto the neighbours side of this projected line.

Natural Landscape and Design


Upon review of the sketch, Council will note that Sections H.21 and H.22 of the Township's Official Plan, together with Sections 4.70 and 4.71 of the Development Permit By-law 04-180, promote a target of 25% of the shoreline frontage for maintenance of an appropriate balance between the natural shoreline and built form within the waterfront. In addition, in order to maintain a balance between the waterfront interface and the built form (Section H.20i), Section 5.1.1 (i) requires a maximum of 40% shoreline activity area coverage.

When reviewing this application, Council will note the existing dock structure accounts for approximately the 60% coverage and the required shoreline activity area frontage is currently below the maximum frontage when considering the width of the dock. Upon the consideration of the dock extension, the frontage would meet the maximum requirements; however the coverage will increase to that of 84%.

Staff would therefore recommend that the proposed structure be decreased to meet the needs of the applicant and also work towards reducing the requested shoreline activity area coverage.

In view of the foregoing, as the submitted application significantly exceeds the maximum shoreline activity area, especially when considering the size of the lot in question, as the Township is not in receipt of clearance from the Canadian Coast Guard and the projected side yard setback should be confirmed prior to Council's consideration, staff would recommend that Council defer making a decision to provide the applicant with additional time to reduce the proposal.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner