

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: March 24th, 2009
RE: DEVELOPMENT PERMIT APPLICATION: DP 04/09 LOB (Scott)
Applicant: Wayne Scott
Agent: Michael Scott
Part Lot 11, Concession 5, Finlayson Ward, on Tasso Lake
Roll No. 020-014-09500
Civic Address: 1006 Steep Rock Road

RECOMMENDATION:

That Council pass the following resolution to **APPROVE** Development Permit Application DP 04/09 LOB (Scott):

WHEREAS the applicants have submitted Development Permit Application DP 04/09 LOB (Scott) in order to seek relief from:

- i) Section 5.1.1 (d) (Minimum Shoreline Yard Setback), reduce from 30 metres to 24.4 metres; and
- ii) Section 5.1.1 (j) (Maximum Building Height – Other Accessory Structure – a sleeping cabin), increase from 4.5 metres to 7 metres

of Development Permit By-law 04-180, in order to permit the construction of a private accessory sleeping cabin, located in Pt. Lot 11, Conc. 5, Finlayson Ward, on Tasso Lake (Scott) (1006 Steep Rock Road) (Finlayson) (020-014-09500);

AND WHEREAS a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-law 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: January 9th, 2009 and marked: **DP 04/09 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.

ORIGIN:

An application has been received from Michael Scott, 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, a dock, and a privy. The applicant wishes to construct a private sleeping cabin with a height of 7 metres (23 ft.), and which is proposed to be constructed 24.4 metres (80 ft.) from the water's edge. As the proposed height of the sleeping cabin would exceed the maximum allowable height, and is located closer than the 30 metres (100 ft.) from the shoreline where Type 1 fish habitat exists, a Council Variation is required in order to permit the proposed construction.

Accordingly, the purpose and effect of this application is to seek relief from the following sections of By-law 04-180:

- i) Section 5.1.1(j)(Maximum Building Height of Other Accessory Structure – a sleeping cabin), increase from 4.5 metres (14.5 ft) to 7.0 metres (23 ft); and
- ii) Section 5.1.1(d)(Minimum Shoreline Yard Setback on Tasso Lake), reduce from 30 metres (98.4 ft) to 24.4 metres (80 ft) for the proposed sleeping cabin.

Site Characteristics:

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, a dock and a privy. The lands also contain steep slopes with the exception near the existing dwelling and the general location of the proposed cabin where the slopes are not as prominent. The entire lands slope towards the water's edge in a westerly direction. The lot is well vegetated and comprised of mature coniferous vegetation. The dwelling is not visible when viewed from the water nor from the neighbouring properties.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

When considering this proposal, the direction of the Official Plan (Section D.10) is to consider several principles to ensure that 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.

Upon attending the site, it is evident that the proposed accessory sleeping cabin is situated in the best location on the lot while considering the surrounding topography. Therefore, in accordance with Sections D.12 and D.14 (b) of the Official Plan, a lesser setback than the required 30 metre setback from the shoreline may be considered where terrain constraints exist on the subject lands which make other locations less desirable. Should the cabin be relocated elsewhere on the lot, extensive site alteration and vegetation removal would likely be required.

With respect to the requested increase in height, the applicant has proposed to elevate the cabin through the use of piers rather than blasting portions of the lot to accommodate the cabin. Further, due to the extent of existing and mature coniferous vegetation, the cabin should not be visible when viewed from the water's perspective. It is recommended that Council consider excluding the inclusion of the applicable shoreline activity area (in accordance with Section H.20), such that the existing shoreline vegetation would remain to further mitigate the potential for negative visual impacts when viewed from the water's perspective.

With respect to the septic system, it is our understanding that the proposed construction will utilize the existing number of fixture units, and will not necessitate a change to the existing design flow rate.

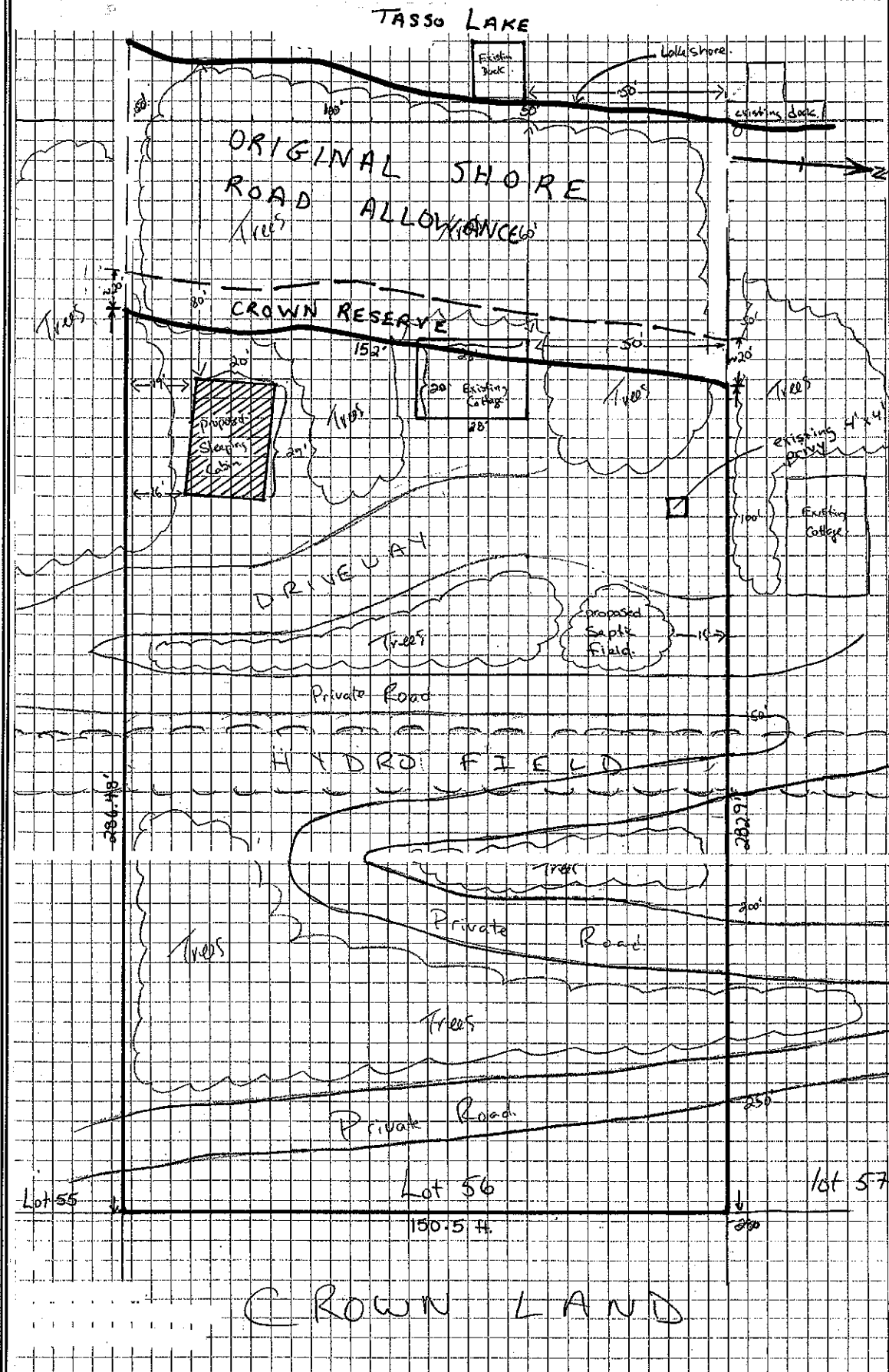
Therefore, in order to maintain the general intent of the By-law and mitigate any potential for off-site impacts, provided Council agree that a shoreline activity area not be identified, staff have no concerns with approving this application and feel that the proposal generally conforms to the intent and purpose of the Township's 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:



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

KEY MAP
 APPLICATION DP 04/09 LOB
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 Part Lot 11, Concession 5, Finlayson Ward



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