

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: May 26th, 2009

RE: **BY-LAW AMENDMENT APPLICATION: Z 14/09 LOB**
Applicants: Michael & Judith Salter
Part Lot 15, Concession 3, Franklin Ward, on Lake of Bays
Roll No. 010-013-08000
Civic Address: 1780 Foxpoint Road

RECOMMENDATION:

That Application **Z 14/09 LOB (Salter)** to permit the re-construction of a new dwelling and attached garage be **APPROVED** and that By-law 09-62 be given three readings.

ORIGIN:

By-law No. **09-14**, (specific to this property) was approved by Council on January 27th, 2009 and permits the property to be re-developed with a new dwelling of 1378 ft² with attached garage of 460 ft² (total 1838 ft²). The applicants now propose to slightly alter and enlarge their original proposal. Accordingly, they are requesting a new by-law amendment that approves a total footprint of 2,000 ft² to permit the proposed construction. The new by-law will also correct an oversight in the original lot coverage amount specified in By-law No. **09-14**.

BACKGROUND:

Site Characteristics and Surrounding Uses:

See attached planning report dated January 27, 2009.

ANALYSIS:

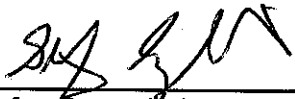
Upon review the attached By-law No. 09-14, members of Council will note that this By-law was approved to permit a new dwelling and attached garage with a total footprint of 1838 ft².

Since that time, the applicant has hired an architect to assist them with the construction design plans. Upon review of the By-law, the architect noticed that although the original proposal included attached wooden decks, they were not included in the requested lot coverage calculations. Therefore, the applicant is seeking an additional 162 ft² of decking, producing a total building footprint of 2000 ft².

With respect to the entire lot coverage (including the shoreline activity area coverage) calculations, this revised proposal would account for an increase from approximately 9% (existing) and 11.6% (approved by By-law 09-14) to 12.5%.

In addition, upon review of the By-law, it is noted that due to an oversight in the approved lot coverage, the By-law coverage is currently not in line with the specific proposals. This By-law will also correct this change.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-62**

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

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 **Lot 15, Concession 3, 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-E 194)**" Development Permit Area, as shown on the attached Schedule "A".
2. Section 7 of By-law 04-180 be amended by deleting the wording associated with **WR-E194** and replaced with the following:

"WR-E194:

On lands designated "WR-E194", as shown on Schedule "A" attached to By-law 09-14, 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 any provision, a Shoreline Activity Area will not be identified to prevent any significant removal of shoreline vegetation.
- ii) Substituted Development Permit Area Provisions

MAXIMUM LOT COVERAGE

STANDARD	STAFF VARIATION	COUNCIL VARIATION
25.1%	None	None

MAXIMUM SHORELINE ACTIVITY AREA COVERAGE

STANDARD	STAFF VARIATION	COUNCIL VARIATION
Existing	None	None

3. Schedule "A" hereby forms part of this By-law.
4. All other provisions of By-law 04-180, as amended, shall apply.
5. By-law No. 09-14 is hereby repealed.

READ a FIRST and SECOND time this 26th day of May, 2009.

Mayor

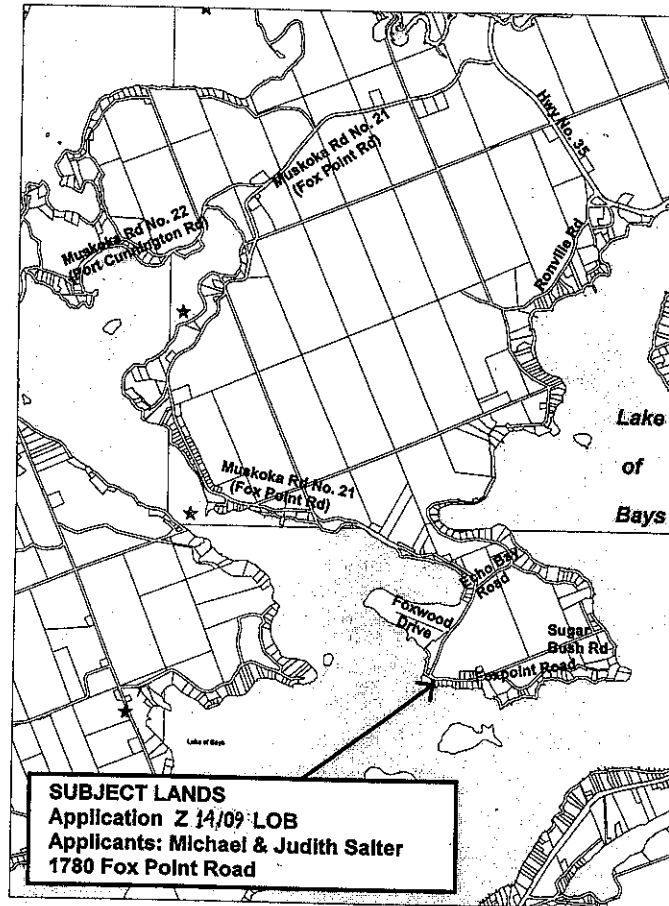
Deputy Clerk

READ a THIRD time and finally passed this 26th day of May, 2009.

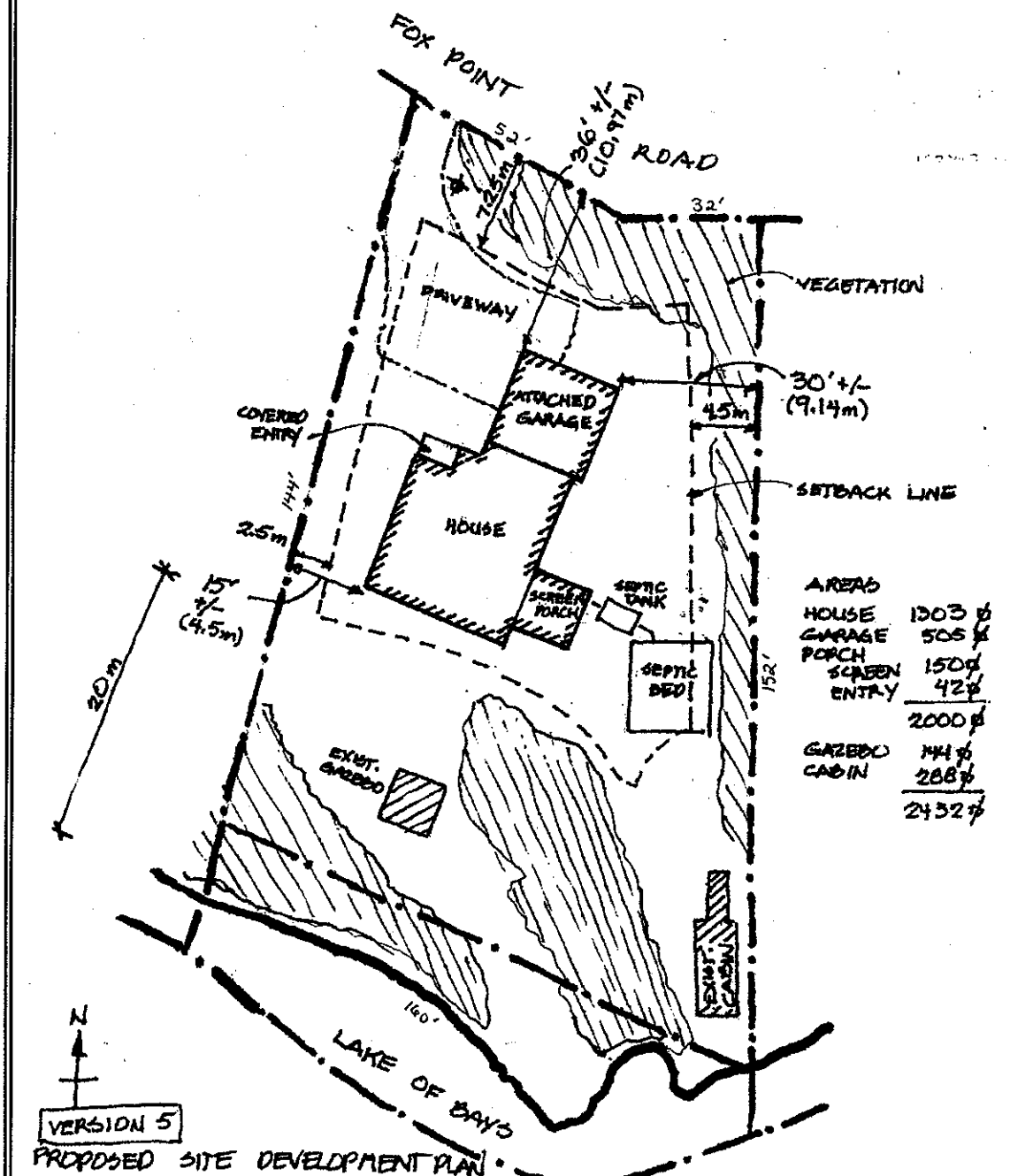
Mayor

Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-62



SCHEDULE "B"
By-law Amendment No. 09-62



AREAS	
HOUSE	1303 sq
GARAGE	505 sq
PORCH	150 sq
SCREEN	42 sq
ENTRY	
	<u>2000 sq</u>
GAZEBO	44 sq
CABIN	288 sq
	<u>2432 sq</u>

VERSION 5

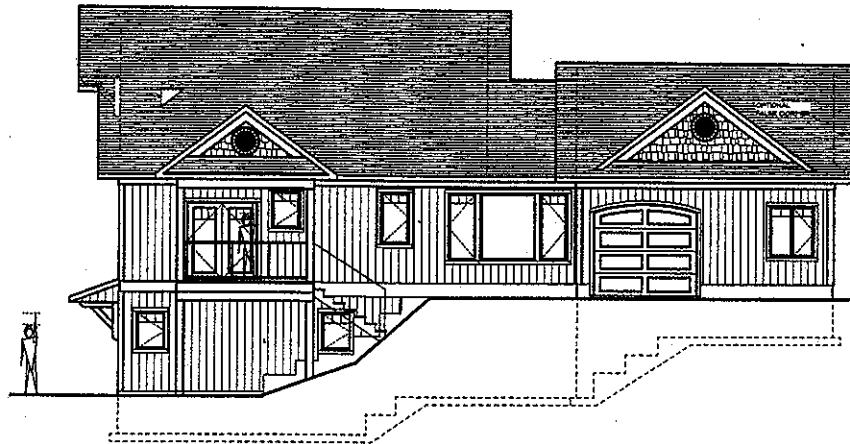
PROPOSED SITE DEVELOPMENT PLAN
1780 FOX POINT ROAD
0904-21
 approx. 1" = 30'-0"
 © 2009 parallax T: 705 385 1203

SCHEDULE "C"
By-law Amendment No. 09-62
 passed at 15. Council on 2. 2009

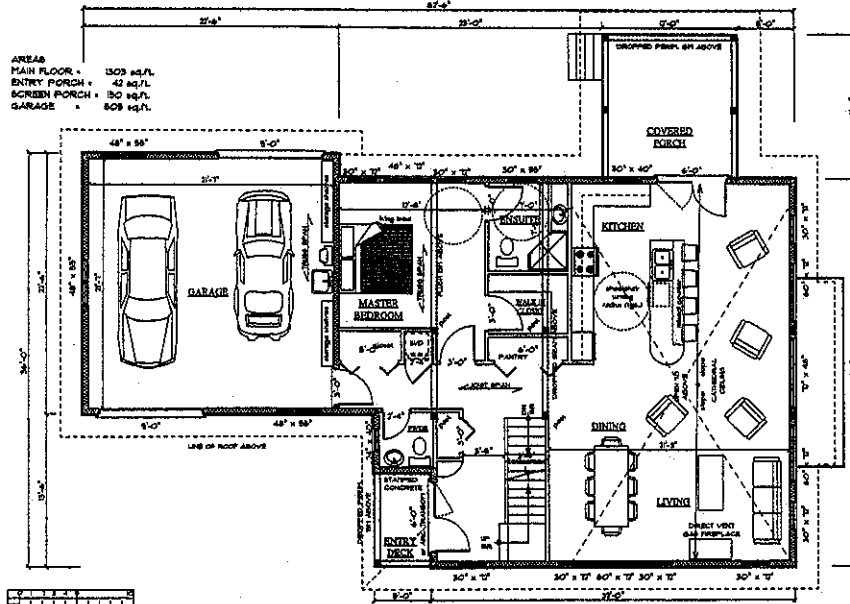


VIEW FROM LAKE I
 ARTIST'S CONCEPT ONLY
 FOR ILLUSTRATIVE PURPOSES

copyright 2009 perlin R.E.O.



copyright 2009 perlin R.E.O.



copyright 2009 perlin R.E.O.

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

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

COPY

RE: **BY-LAW AMENDMENT APPLICATION: Z 52/08 LOB**
Applicants: Michael & Judith Salter
Part Lot 15, Concession 3, Franklin Ward, on Lake of Bays
Roll No. 010-013-08000
Civic Address: 1780 Foxpoint Road

RECOMMENDATION:

That Application Z 52/08 LOB (Salter) to permit a re-construction of a new dwelling and attached garage be **APPROVED** and that By-law 09-14 be given three readings.

ORIGIN:

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area, and is developed with a single family dwelling (786 ft²) with attached deck (100 ft²), a garage, a sleeping cabin, and a gazebo. The applicant wishes to demolish the existing dwelling and garage and re-develop the property with a new dwelling of 1378 ft² with attached garage of 460 ft² (total 1838 ft²). As the proposed construction would exceed the maximum allowable lot coverage, a by-law amendment is required 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-E194**" Development Permit Area. The effect of the "**WR-E194**" 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% in order to accommodate the proposed construction.

BACKGROUND:

Previous Files:	<ul style="list-style-type: none"> • General Development Inquiries.
Natural Constraints:	<ul style="list-style-type: none"> • Deer Wintering Habitat; and • 30-40% slopes.
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:	Closed.

Site Characteristics:

The lands are best described as an existing undersized and developed lot. The configuration of the lot is somewhat pie shaped and these lands generally slope in a southerly direction from Foxpoint Road (District Road No. 21) towards Lake of Bays. The northerly portion of the lot contains the existing dwelling and accessory garage. A gazebo and private cabin currently exist within the shoreline yard.

The shoreline yard is comprised of existing and mature natural vegetation and the side lot lines also contain existing natural buffer vegetation. The dwelling is somewhat visible from the road and the neighbour's perspective.

Surrounding Uses:

The surrounding lands contain low density residential uses, most on existing and developed undersized lots.

ANALYSIS:

Development Considerations

When reviewing proposed increases in percent lot coverage, the direction of the Township 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. Of particular importance, Section H.20 (i) requires that building mass and lot coverage should be limited in relation to the size and frontage of the property and the character of the surrounding area. With respect to the character of the surrounding area, several neighbouring lots in this vicinity are comprised of modestly developed dwellings found on mostly existing and undersized lots.


Upon attending the site, it was noted that the existing dwelling is located approximately 30 metres from the shoreline. The dwelling generally blends into the existing vegetation found on this property. However, the dwelling is still somewhat visible when viewed from the neighbour's and road's perspective. Although some mature vegetation exists alongside the westerly lot line, the applicant should make every effort to protect this vegetation to ensure the future dwelling will continue to be screened from these perspectives.

As the proposed dwelling and attached garage will exceed the maximum permitted lot coverage, it is noted that when considering the lot coverage for the entire lot, the proposal would account for an increase from approximately 9% (existing) to 11.6%.

In view of the proposed increase, it is recommended that the permitted and remaining shoreline activity area coverage be reduced to what is existing to ensure any future development on these lands would be subject to a public process and reviewed by Council.

Provided Council agrees with this reduction to the permitted shoreline activity area coverage staff have no concerns with the proposed increase in lot coverage as the proposal generally conforms to the intent and purpose of the Township and District of Muskoka Official Plans.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner