

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: October 27, 2009
RE: By-law Amendment Application:
Z 30/09 LOB (Butt Family Holdings)
Applicant: Brian Butt
Agent: E.J. Williams Surveying Ltd.
Part Lot 3, Conc. 7, Sinclair Ward
Roll No. 020-008-00100
1171 Fieldale Road

RECOMMENDATION:

That Application **Z 30/09 LOB (Butt)** for an amendment to Development Permit By-law No. 04-180, to fulfill a condition of Consent Application **B 17/09 LOB** for the purpose of providing a lot addition to the abutting benefitting lands, be **APPROVED**, and that By-law 09-129 be given three readings.

ORIGIN:

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180. The applicant is likely to have received approval to sever this property to provide a lot addition under the concurrent Consent Application **B 17/09 LOB**, for the purpose of severing off a parcel of land and adding it to an existing lot of record. One of the conditions of the provisional consent approval was that retained lot be re-designated to recognize the reduced water frontage. Therefore, this application will fulfill a condition of the provisional consent approval.

Accordingly, the purpose and effect of this by-law amendment will be to re-designate the retained lands of consent applications **B 17/09 LOB** from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Residential with an Exception WR-E220**" Development Permit Area, in order to apply the site specific provisions to these lands as follows:

1. a reduced maximum shoreline frontage.

The application was received on September 2, 2009 and deemed to be complete on October 7th, 2009.

BACKGROUND:

Previous Files:	• Consent applications B/347/73/LB, and B 17/09 LOB
------------------------	--

Natural Constraints:	<ul style="list-style-type: none"> • Category 2 lake • Rebecca Lake has been identified as a lake trout lake and unable to sustain further lot creation • "Type 1" & "Type 2" fish habitat <p>Deer wintering habitat on the entire property</p>
Lake Phosphorous Sensitivity	Moderate sensitivity to phosphorus.
LOB Official Plan:	Waterfront.
District Official Plan:	Waterfront.
LOB By-law 04-180:	<ul style="list-style-type: none"> • Waterfront Residential "(WR)" Development Permit Area • Waterfront Environmental Protection "(WEP1)" Development Permit Area fronting portions of the shoreline of subject lands
OSRA:	<ul style="list-style-type: none"> • Closed by By-law 85-52, registered as LT126736

Site Characteristics:

The subject lot, the retained lands of **B 17/09 LOB**, are currently vacant and a building envelope has been identified. The bulk of the lands, including the shoreline yard are comprised of existing natural vegetation and the lot slopes gently in a southerly direction towards Rebecca Lake.

Surrounding Uses:

The surrounding lands contain low density residential uses.



ANALYSIS:

Members of Council will be familiar with this property and will recall that staff were supportive of the proposal for a lot addition to the benefitting lands by way of Consent Application **B 17/09 LOB**. A copy of this staff report can be found on our website (www.lakefbays.on.ca). This amendment application has been submitted to fulfil a condition of the approval for this related consent file.

Within the provisional decision pertaining to Consent Application **B 17/09 LOB**, Condition No. 5 requires that the retained lands be re-designated to recognize the new water frontage for this lot.

Accordingly, as this application has been submitted to fulfill a condition of provisional approval for the related consent file and as this application generally meets the intent of the Township Official Plan, the Muskoka Official Plan and is consistent with the Provincial Policy Statements, staff have no concerns with the approval of this application and it is recommended that By-law 09-129 be given three readings at this time.

Respectfully submitted by:

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

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-129**

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

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 of Lot 3, Concession 7, Sinclair 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-E220)**" Development Permit Areas, as shown on the attached Schedule "B".
2. Section 7 of By-law 04-180 be amended by the addition of the following:

"WR-E220:

On lands designated "WR-E220", as shown on Schedule "B" attached to By-law 09-129, 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) Notwithstanding any provisions within the Development Permit By-law No. 04-180, shoreline structures will not be permitted within the identified "Waterfront Environmental Protection One (WEP1)" Development Permit Area located adjacent to these lands.

- b) Substituted Development Permit Designation Provisions:

i) **MINIMUM WATER FRONTAGE**

SITUATION	STANDARD	STAFF VARIATION	COUNCIL VARIATION
On a Category 2 Lake	85 metres	None	Any

3. Schedules "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 27th day of October, 2009.

Mayor

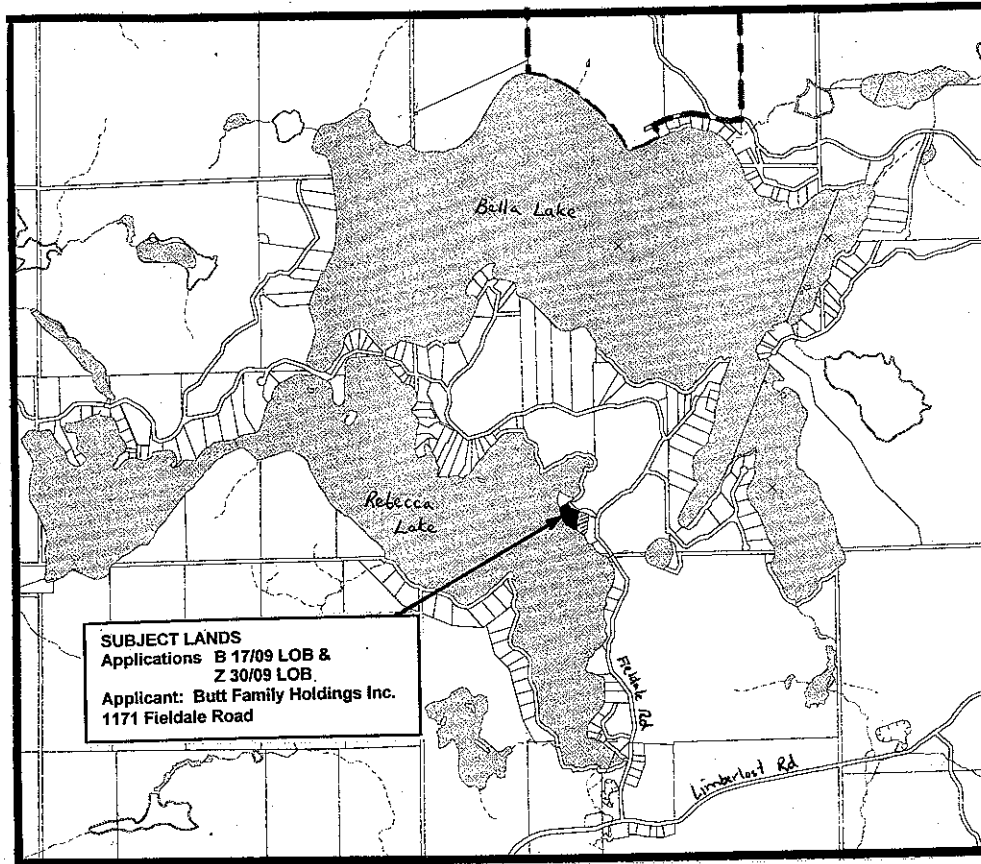
Deputy Clerk

READ a THIRD time and finally passed this 27th day of October, 2009.

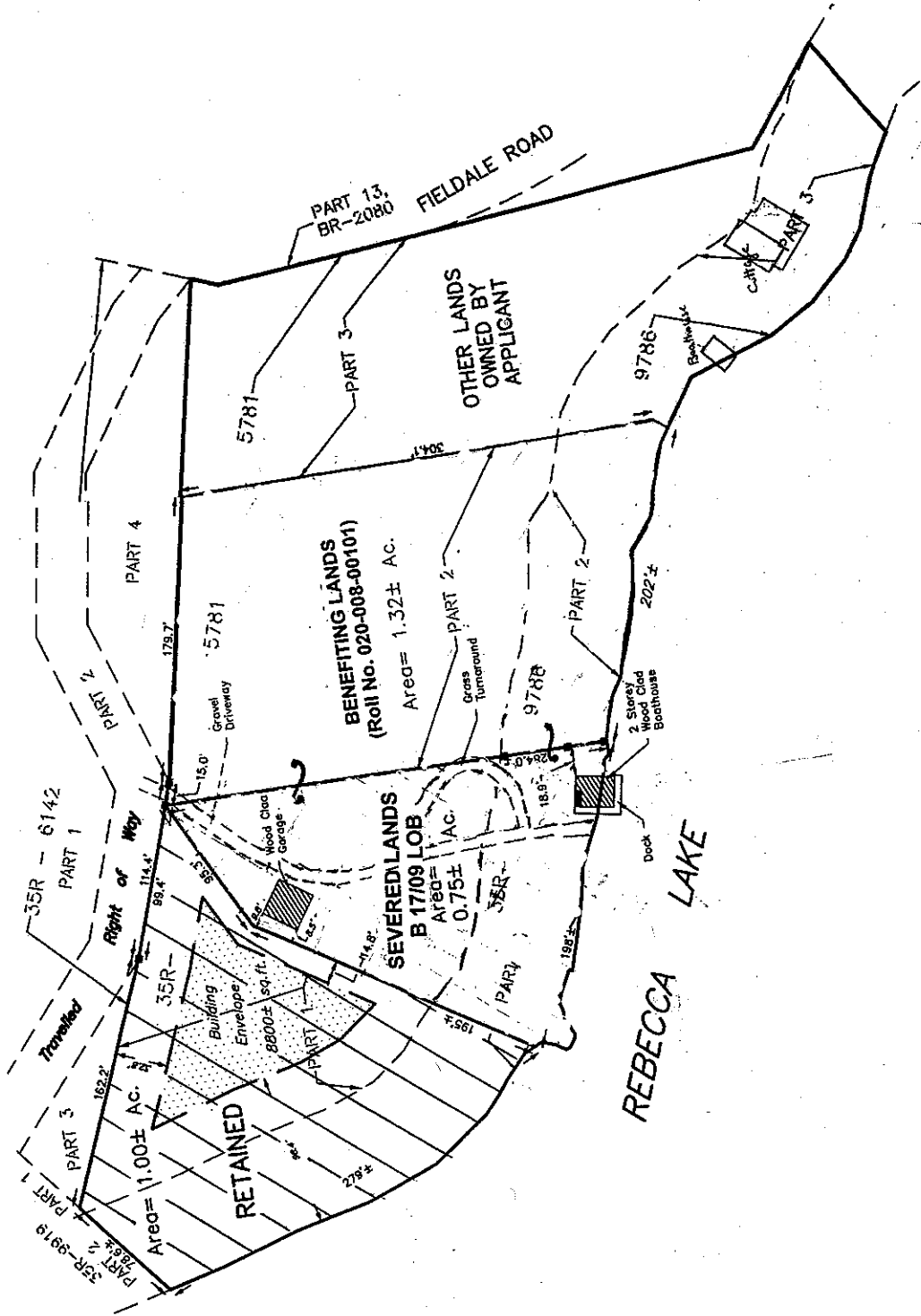
Mayor

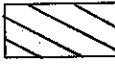
Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-129



SCHEDULE "B"
By-law Amendment No. 09-129



 SUBJECT LANDS to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E220)" Development Permit Area

John & Linda Houser
[REDACTED]
[REDACTED]

October 15, 2009

Township of Lake of Bays

**ATTENTION COMMITTEE OF ADJUSTMENT and
COUNCIL HEARING PLANNING MATTERS**

RE: Butt Family Subdivision Proposal to Create Smaller Lots on Rebecca Lake

WE OPPOSE THIS APPLICATION FOR PROPOSED CONSENT "pursuant to the provisions of Section 53 of the Planning Act, 1990, R.S.O. c.P. 13, as amended, being **Application No. B 17/09 LOB (Butt Family Holdings)**, as well as a proposed amendment to By-law No. 04-180 of the Township of Lake of Bays, pursuant to the provisions of Section 34/36 and 39 of the Planning Act, R.S.O. 1990, Chapter P13, as amended being **Application No. Z 30/09 LOB (Butt Family Holdings)**).

We oppose this application and we oppose any application for subdivision of any property on Rebecca or Bella Lake having monitored the water quality on both lakes for the last 25 years. We have recorded and observed the degradation of our lakes and we oppose any intensification of any type on our lakes.

This property being proposed 'consent and zoning by-law amendment' is zoned "Environmental Protection 1" as per LOB Development Permit By-Law 04-180 Schedule "A".

JOHN AND LINDA HOUSSER

cc. Brian Markham, President BRCA
Rita Bloem, Gerry Bramm, Rick & Susan Bramm, Denis & Diane Robinson, Cathy & Denis Crane, Wendy & Lon Kimmel, Barb & Martin McCreath, Marg Mansell, Bob & Janet McLean, John & Cathy Greven, Geoff Julian, Ron Barry, Mike & Angie Leclair, Tom & Pam Kilmer, Anne Fenton, Paul & Deb Martin, Nick & Janet Baker, Grant & Rosemary Mantha, Rob & Jane Spratt, Carolyn Paterson, Russ Lacombe, Peter Ham,

PLEASE NOTIFY US OF THE DECISION of the Committee of adjustment in respect of the proposed consent, at this address:

John & Linda Houser
[REDACTED]
[REDACTED]

Stefan Szczerbak

From: Linda Houser [REDACTED]
Sent: October 17, 2009 9:05 AM
To: Michelle Percival; Stefan Szczerbak
Cc: brian.markham [REDACTED]; Rick & Susan Bramm; Lon Kimmel; Gerry Bramm
Subject: WITHDRAWAL of SUBMISSION for Public Meeting Tues. Oct 27, 2009
Attachments: BRCA Butt Letter of Opposition Oct 15, 2009.doc

October 17, 2009

Further to our discussion and clarification with LOB Planner Stephan Szczerbak, this application does not create any additional buildable lots. It simply changes the location of the common lot line between existing buildable lots.

PLEASE WITHDRAW our attached letter of opposition to the Public Meeting Tuesday, October 27, 2009 at 9:00 am. Township of Lake of Bays Committee of Adjustment or Council Hearing Planning Matters, 'Concerning a proposed consent to sever land and an amendment to development permit by-law No. 04-180'.

Sincerely,
John and Linda Houser