

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 31/09 LOB (Merritt)  
Applicant: Richard and Elayne Merritt  
Part Lot 20, Conc. B, Sinclair Ward  
Roll No. 020-009-04603  
1040 Hart Lane

**RECOMMENDATION:**

That Application **Z 31/09 LOB (Merritt)** for an amendment to Development Permit By-law No. 04-180, to permit the recognition of an oversized private sleeping cabin to be located in front of a proposed dwelling, be **APPROVED**, and that By-law 09-130 be given three readings.

**ORIGIN:**

The property is located within the "**Waterfront Residential with an Exception (WR-E192)**" Development Permit Area, and is developed with a single family dwelling with attached deck, a marine storage building, a dock, and a marine railway. The applicants received approval on December 16, 2008, by way of **By-law 08-156**, to allow the existing dwelling to be converted to a private sleeping cabin once they constructed a new dwelling. As the existing dwelling has a footprint of 600 ft<sup>2</sup>, (the Development Permit allows private cabins to be no larger than 581 ft<sup>2</sup>), **By-law 08-156** was passed which permits this oversized sleeping cabin.

The applicants had originally planned to construct their new dwelling at the same distance (approximately 30 metres) back from the shoreline as their existing dwelling (future sleeping cabin), and have now found that it would be most appropriate to situate their future dwelling approximately 20 ft further back than originally planned. As the Development Permit By-law 04-180 specifies that an accessory building or structure that is not part of a principal building shall not be erected closer to a shoreline than the principal building, a by-law amendment is necessary in order to permit the sleeping cabin in its present location.

Accordingly, the purpose and effect of this by-law amendment will be to amend the requirements of the "**Waterfront Residential with an Exception (WR-E192)**" Development Permit Area. The effect of the "**WR-E192**" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

1. Section 4.4 (Requirements for accessory buildings and structures), permit an accessory structure (a sleeping cabin of 600 ft<sup>2</sup>) to be located between the principal dwelling and the shoreline.

The application was received on September 25, 2009 and deemed to be complete on October 6<sup>th</sup>, 2009.

**BACKGROUND:**

<b>Previous Files:</b>	<ul style="list-style-type: none"><li>• Z 47-08 LOB – (By-law 08-156)</li></ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"><li>• “Type 2” Fish habitat;</li><li>• Category 2 Lake; and</li><li>• 20-40% slopes.</li></ul>
<b>Lake Phosphorus Sensitivity:</b>	<ul style="list-style-type: none"><li>• Moderate Sensitivity to phosphorus.</li></ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"><li>• Waterfront.</li></ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"><li>• Waterfront.</li></ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"><li>• “Waterfront Residential (WR)” Development Permit Area.</li></ul>
<b>OSRA Status:</b>	<ul style="list-style-type: none"><li>• Closed.</li></ul>

**Site Characteristics:**

The subject lands are mainly comprised of mature and natural vegetation. The shoreline yard is also comprised of mature natural vegetation and the existing dwelling is only slightly visible when viewed from the water’s perspective.

The lands gradually slope towards the water’s edge.

**Surrounding Uses:**

The surrounding lands contain low density residential uses.

**ANALYSIS:**

This application has been submitted to permit an approved oversized private cabin (By-law 08-156) to be located within the proposed shoreline yard and in front of a proposed dwelling. Upon review of the sketch, it is noted that the cabin is located approximately 42 metres (141 feet) from the water’s edge.


When reviewing such a request, 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 that 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.

Staff have attended the site and it appears that there is adequate mature vegetation located throughout the entire property to sufficiently screen both the private cabin and the proposed dwelling from either of the road's, water's and/or neighbour's perspective. The lot is also adequate in size and frontage to accommodate this structure.

Staff have no objection to the proposed amendment, as the proposal generally conforms to the intent of the waterfront principles found in Section H.20 of the Township Official Plan and this application conforms to the general intent of the District of Muskoka Official plan and is consistent with the Provincial Policy Statement.

Respectfully submitted by:

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

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09-130**

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

**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. Section 7 of By-law 04-180 is hereby amended by inserting the following wording associated with Exception No. "WR-E192" following subsection "i):  
"       ii. Notwithstanding Section 4.4 of By-law 04-180, for the purpose of this By-law an accessory private cabin shall be located in front of the dwelling and setback a minimum of 42 metres from the water's edge.       "
3. Schedules "A" & "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 27<sup>th</sup> day of October, 2009.**

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Mayor

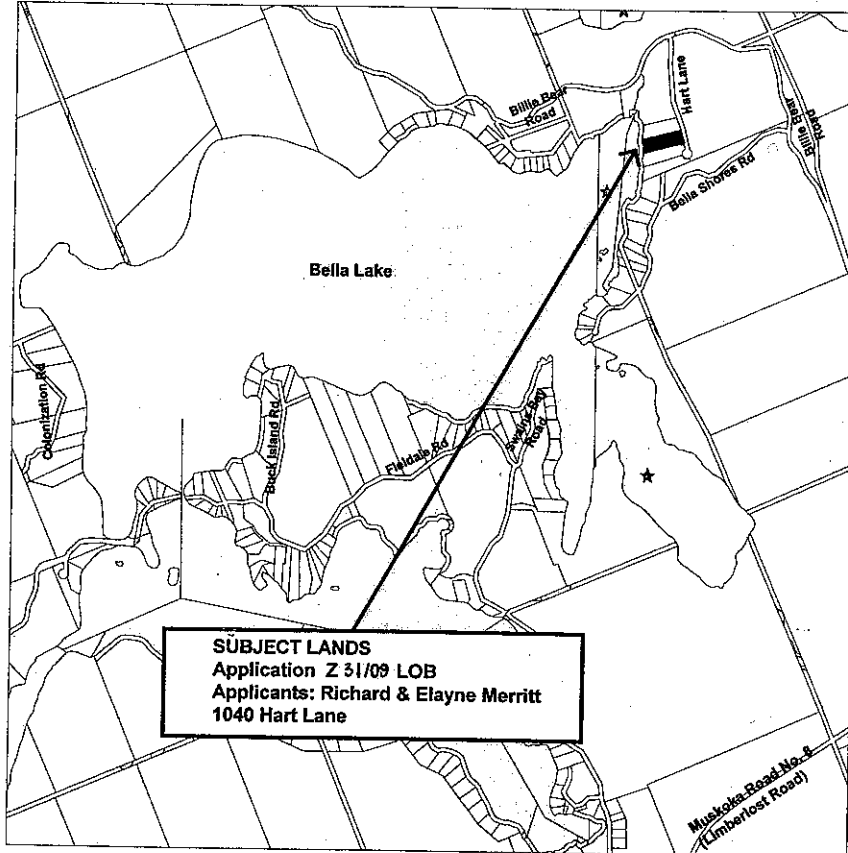
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Deputy Clerk

**READ a THIRD time and finally passed this 27<sup>th</sup> day of October, 2009.**

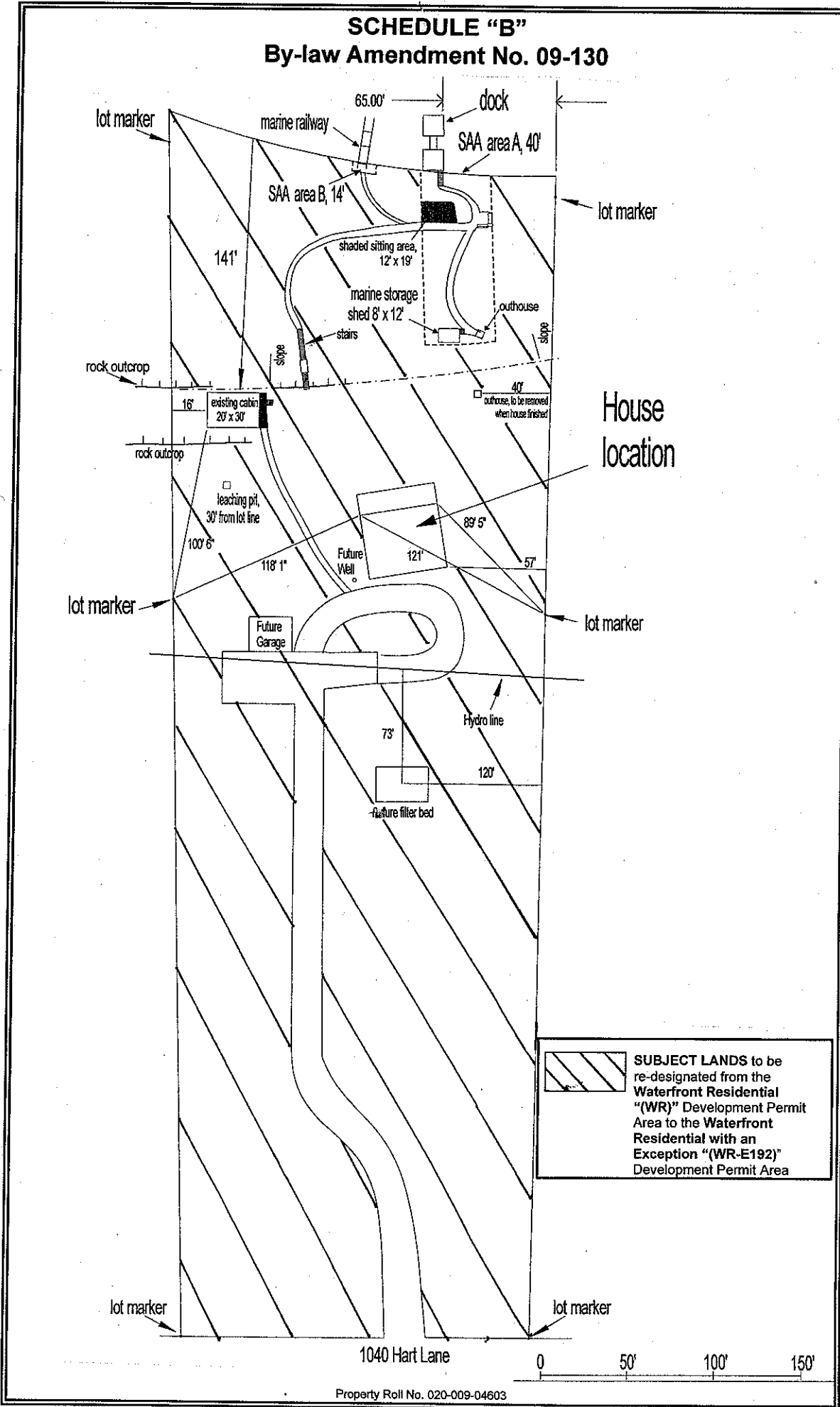
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Mayor

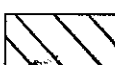
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Deputy Clerk

**SCHEDULE "A"**  
**By-law Amendment No. 09-130**



**SCHEDULE "B"**  
**By-law Amendment No. 09-130**



 **SUBJECT LANDS** to be re-designated from the **Waterfront Residential "WR" Development Permit Area** to the **Waterfront Residential with an Exception "WR-E192" Development Permit Area**