

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 32/09 LOB (Sorbara)
Applicant: Edward Sorbara, Trustee
Agent: Lanny Dennis of Wayne Simpson & Associates
Part Lot 21, Conc. 7, Franklin Ward
Roll No. 010-014-00605
1060 Richards Island Road

RECOMMENDATION:

That Application **Z 32/09 LOB (Sorbara)** for an amendment to Development Permit By-law No. 04-180, to fulfill a condition of Consent Applications **B 33 & 34/08 LOB** for the creation of two new waterfront residential lots, be **APPROVED**, and that By-law 09-131 be given three readings.

ORIGIN:

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180. The applicant received approval to sever this property under Consent Applications **B 33 & 34/08 LOB**, for the purpose of creating two new waterfront residential building lots. One of the conditions of the provisional consent approvals was that Severed Lot 1 and the retained lot be re-designated to include: a) appropriate development setbacks to ensure that a building envelope is located away from the top of the bank which slopes down towards the shoreline; b) the specified shoreline activity areas identified in the sketch by Wayne Simpson & Associates, dated June 2009; and c) that the removal of shoreline vegetation not be permitted except for the formalization of the identified access pathways to the shoreline. Therefore, this application will fulfill a condition of the provisional consent approvals.

Accordingly, the purpose and effect of this by-law amendment will be to re-designate the retained lands of consent applications **B 33 & 34/08 LOB** from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Residential with an Exception WR-E221**" Development Permit Area, and to re-designate the severed lands of **B 33/08 LOB** from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Residential with an Exception WR-E222**" Development Permit Area, in order to apply site specific provisions to these lands as follows:

1. specify development setbacks from the top of bank located on the properties;
2. specify shoreline activity areas as provided in the sketch by Wayne Simpson & Associates, June 2009; and
3. that removal of shoreline vegetation not be permitted except for a pathway to the shoreline.

The application was received on September 28, 2009 and deemed to be complete on October 7th, 2009.

BACKGROUND:

Previous Files:	<ul style="list-style-type: none">• Minor Variance A 01/84 LOB; and• Consent Applications B 33 & 34/08 LOB (provisionally approved on June 23, 2009)
Natural Constraints:	<ul style="list-style-type: none">• Slopes ranging from 20% to 40%+
Lake Phosphorous Sensitivity	<ul style="list-style-type: none">• Moderate sensitivity to phosphorous
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">• Severed & Retained Lands: Waterfront Residential “(WR)” Development Permit Area
OSRA Status:	<ul style="list-style-type: none">• Closed by By-law 90-145 attached to Inst. 251043

Site Characteristics:

In general the entire shoreline of the subject lands slopes steeply down to the shoreline of Lake of Bays, and is well vegetated with primarily coniferous trees. The lands at the top of the slope and inland contain varying topography, with some level areas interspersed with bedrock outcroppings, and are well vegetated with deciduous trees.

Proposed Lot # 1 is vacant, while proposed Severed Lot # 2 is developed with a single family dwelling with attached decks, as well as a garage, a boathouse & two dock areas. The retained lands are vacant and a hydro line traverses the property.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

Members of Council may be familiar with this property and will recall that staff were supportive of the proposal to create two new waterfront residential lots by way of Consent Applications **B 33 & 34 /08 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 33/08 LOB & B 34/08 LOB**, Condition No. 3 requires that the severed lot 1 and the retained lot be re-designated to a site specific amendment within Development Permit By-law No. 04-180 to include appropriate shoreline yard setbacks to ensure that a building envelope is located a safe distance from the identified top-of-bank associated with the sloping lands located in the shoreline yard. In addition, this amendment shall specify a shoreline activity area and not permit the removal of existing shoreline vegetation except for the construction of an access pathway leading to the water.

Accordingly, as this application has been submitted to fulfill a condition of provisional approval for each of the related consent files 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 09-131 be given three readings at this time.

Respectfully submitted by:



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

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-131**

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

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 21, Concession 7, 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-E221)**" Development Permit Area and "**Waterfront Residential with an Exception (WR-E222)**" Development Permit Area, as shown on the attached Schedule "B".
2. Section 7 of By-law 04-180 be amended by the addition of the following:

"WR-E221:

On lands designated "WR-E221", as shown on Schedule "B" attached to By-law 09-131, 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, the removal of shoreline yard vegetation will not be permitted except for the construction of a pervious pathway and/or any dead, diseased or vegetation posing a hazard to people or property.
- b) Notwithstanding the minimum Shoreline Yard Setback provision, the building envelope shall be setback a minimum of 15 metres from the identified Top of Bank as shown on the attached Schedule "B".
- c) A shoreline activity area has been identified as shown on the attached Schedule "B".

WR-E222:

On lands designated "WR-E222", as shown on Schedule "B" attached to By-law 09-131, 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, the removal of shoreline yard vegetation will not be permitted except for the construction of a pervious pathway and/or any dead, diseased or vegetation posing a hazard to people or property.
- b) Notwithstanding the minimum Shoreline Yard Setback provision, the building envelope shall be setback a minimum of 15 metres from the identified Top of Bank as shown on the attached Schedule "B".
- c) A shoreline activity area has been identified as shown on the attached Schedule "B".

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

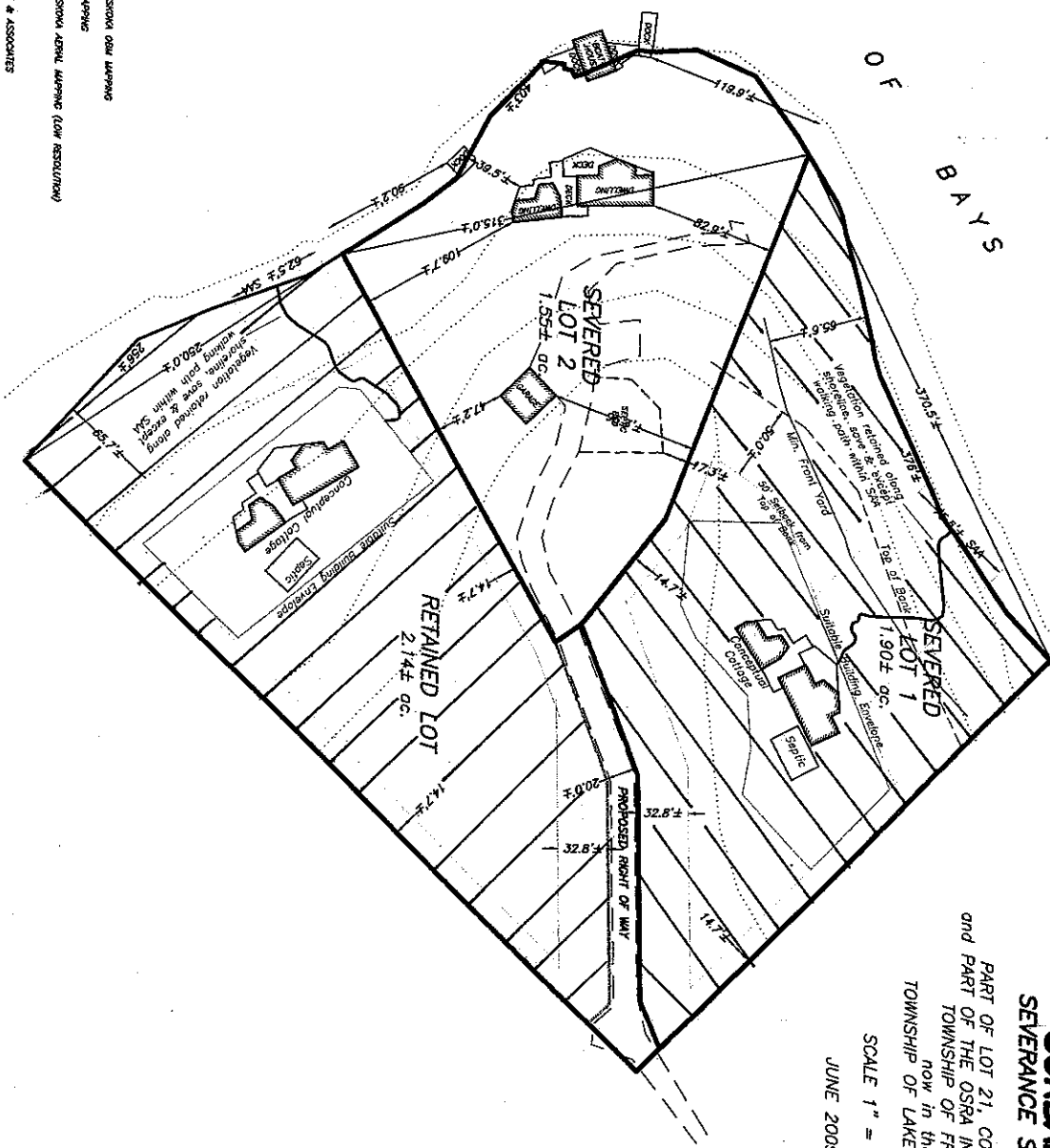
SCHEDULE "B"

By-law Amendment No. 09-131



LAKE
OF
BAYS

- SOURCES:**
- 1) COURTESY
 - 2) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 3) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 4) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 5) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 6) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 7) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 8) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 9) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 10) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 11) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 12) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 13) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 14) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 15) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 16) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 17) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 18) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 19) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS
 - 20) -DISTRICT MUNICIPALITY OF MASTONIA GRAY MAPS



SORBARA
SEVERANCE SKETCH

PART OF LOT 21, CONCESSION 7
and PART OF THE OSRA IN FRONT THEREOF
TOWNSHIP OF FRANKLIN
now in the
TOWNSHIP OF LAKE OF BAYS

SCALE 1" = 70'
JUNE 2009

	SUBJECT LANDS to be re-designated from the Waterfront Residential "WR" Development Permit Area to the Waterfront Residential with an Exception "(WR-E221)" Development Permit Area
	SUBJECT LANDS to be re-designated from the Waterfront Residential "WR" Development Permit Area to the Waterfront Residential with an Exception "(WR-E222)" Development Permit Area

