

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

TO: Mayor & Members of Council
FROM: Stefan Szczerbak, Planner
DATE: September 22, 2009

RE: **BY-LAW AMENDMENT APPLICATION: Z 27/09 LOB**
Applicant: Sydney Gangbar
Agent: Steve Strickland
Part Lots 12 & 13, Concession 9, McLean Ward, on the Muskoka River
Roll No. 040-013-07200
Civic Address: 1010 Browns Lane Unit No. 1

RECOMMENDATION:

That Application **Z 27/09 LOB (Gangbar)** to permit the re-construction of a new dwelling be **APPROVED** and that By-law 09-113 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 with attached decks, a sleeping cabin, a frame shed, and a dock. The applicant wishes to demolish the existing dwelling (1200 ft²), attached decks (1027 ft²), and the sleeping cabin (495 ft²), and re-develop the property with a new dwelling (footprint of 1556 ft²) with attached decks (228 ft²), covered porches (148 ft²) and a screened porch (224 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-E218)**" Development Permit Area. The effect of the "**WR-E218**" 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%; and
- ii) Section 5.1.1(d) (Minimum Shoreline Yard Setback), decrease from a required 20 metres (65.6 ft) for the proposed dwelling and the attached deck.

The application was received on July 29, 2009 and deemed to be complete on September 2, 2009.

BACKGROUND:

Previous Files:	n/a.
Natural Constraints:	<ul style="list-style-type: none">• Type "2" Fish Habitat; and• Narrow waterbody.
Lake Phosphorus	<ul style="list-style-type: none">• Moderate Sensitivity to phosphorus.

Sensitivity:	
LOB Official Plan:	• Waterfront.
District Official Plan:	• Waterfront.
LOB By-law 04-180:	• “Waterfront Residential (WR)” Development Permit Area.
OSRA Status:	• Closed

ANALYSIS:

Natural Constraints

Schedule C2 to the Official Plan has revealed that portions of the lot front onto a reach of shoreline that contains “Type 2” fish habitat. In addition, Schedule D2 has identified this reach of shoreline as a Narrow Waterbody. However, as this proposal does not involve the consideration of new shoreline structures, the relevant policy direction is not applicable in this instance.

PROPOSAL:

Character

A review of the development plans reveals that the proposal seeks relief from lot coverage provisions of the Development Permit By-law from approximately 19% (existing) to 17.7% (proposed). The direction of the Official Plan (Section D.10) is to consider several principles to ensure the 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.

Waterfront Design Principles

Besides requiring buildings and structures to be of a low profile and to not exceed the height of the tree canopy, these waterfront design guidelines suggest that building mass and coverage should also be limited in relation to the size and frontage of the property and the character of the surrounding area. The lands themselves are comprised of a triangular shaped lot and are therefore comprised of approximately 290 feet of linear water frontage. Due to this extensive frontage, the lot coverage calculations are limited as the By-law requires the shoreline yard portion (measured to the closest part of any dwelling) be excluded from the land area calculation. In this regard, when using the entire dry land portion of the lot the proposed total lot coverage would be from 15% (existing) to approximately 11.9% lot coverage.


Upon review of the subject lands the existing dwelling is located at approximately 8.8 metres (28.9 feet) from the water’s edge. The plans indicate that the proposed dwelling with attached decks will be slightly smaller in square footage, and will be moved further back from the water’s edge to approximately 12.8 metres at its closest point to the shoreline. It should be noted that normally, Section D.12 of the Official Plan permits development on existing lots, provided it is setback a minimum of 20 metres from the water’s edge. However, in this case, as the applicant is pushing the

proposed development further back than the existing structures and as the configuration of this lot would not permit a 20 metre setback, Section D.14 a) would consider this proposal to seek a lesser setback.

A site visit has also determined that the shoreline yard is mainly comprised of mature and natural vegetation. Due to the presence of this vegetation and shape of the lot, staff feel this proposal would have, if any, minor visual impacts when viewed from the water's perspective as the proposed dwelling would blend into the existing natural vegetation. Therefore, staff would recommend that this By-law include provisions to not include an appropriate shoreline activity area to prevent the removal of any vegetation or site alteration within the shoreline yard.

In view of the foregoing, staff feel that this application generally conforms to the intent of the Township and District of Muskoka Official Plans and is consistent with the Provincial Policy Statement.

Respectfully submitted by,



Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

Terri-Lyn Magee

Gangbar Re-Build

From: Mary Calomino (mcalomino@millerthomson.com)
Sent: September 2, 2009 11:17:38 AM
To: [Redacted]
Cc: [Redacted]

Attachments:
scan_20090902_111521.pdf (490.8 KB), pic05841.gif (2.6 KB)



Sent on behalf of Leonard Gangbar:

Dear Alex:

Attached please find signed Waivers of Objection from Richard Levy, Shirley Switzman, T.E. Tweedie and Anna Gangbar.

Would you please forward same to Steve Strickland for his delivery to Lake of Bays Planning Department.

Also, we are forwarding a copy of the same form of consent to the lawyer for our immediate neighbour, Mrs. Collyer.

Thank you.

Len.

(See attached file: scan_20090902_111521.pdf)

Mary Calomino
Legal Assistant to Leonard Gangbar
Miller Thomson LLP
Scotia Plaza
40 King Street West, Suite 5800
P.O. Box 1011
Toronto, Ontario M5H 3S1
Direct Line: 416.595.2984
Fax: 416.595.8695
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(Embedded image moved to file: pic05841.gif)Miller Thomson LLP

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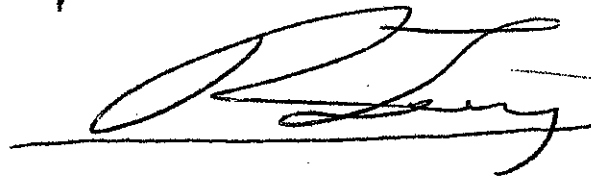
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August 2009

To: Council of the Township of Lake of Bays
And To: Committee of Adjustment (L. of B.)

I/We are neighbours of the Gangbars who are located at 1010 Browns Lane, No. 2 (the "Property") Baysville, Ontario. We have reviewed the proposed redevelopment plans (attached) for the Property and wish to advise that we do not object to the proposed redevelopment and the variances required.

Name :



RICHARD LEOY

1300 Burlman Rd.

August 2009

To: Council of the Township of Lake of Bays
And To: Committee of Adjustment (L. of B.)

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Name :

Anna Gangbar
Anna Gangbar

August 2009

To: Council of the Township of Lake of Bays
And To: Committee of Adjustment (L. of B.)

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Name :

T. E. Tweedie

T. E. TWEEDIE

August 2009

To: Council of the Township of Lake of Bays
And To: Committee of Adjustment (L. of B.)

I / We are neighbours of the Gangbars who are located at 1010 Brownslane, No. 2 (the "Property") Bayville, Ontario. We have reviewed the proposed redevelopment plans (attached) for the Property and wish to advise that we do not object to the proposed redevelopment and the variances required.

Name :

~~Howard Switzman~~
Howard Switzman
Shirley Switzman

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 09-113**

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

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 is hereby amended by re-designating **Part of Lots 12 and 13, Concession 9, McLean 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-E218)**" Development Permit Area, as shown on the attached Schedule "A".
2. Section 7 of By-law 04-180 be amended by the addition of the following:

"WR-E218:

On lands designated "**WR-E218**", as shown on Schedule "A" attached to By-law 09-113, 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) Substituted Development Permit Area Provisions

MINIMUM SHORELINE YARD SETBACK

STANDARD	STAFF VARIATION	COUNCIL VARIATION
15.24 metres (50 feet) to the dwelling 12.8 metres (42 feet) to the attached open deck	None	Any

MAXIMUM LOT COVERAGE

STANDARD	STAFF VARIATION	COUNCIL VARIATION
17.7%	None	None

- ii) Notwithstanding any provision, vegetation removal within the Shoreline Yard will not be permitted.
3. Schedules "A" and "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 22nd day of September, 2009.

Mayor

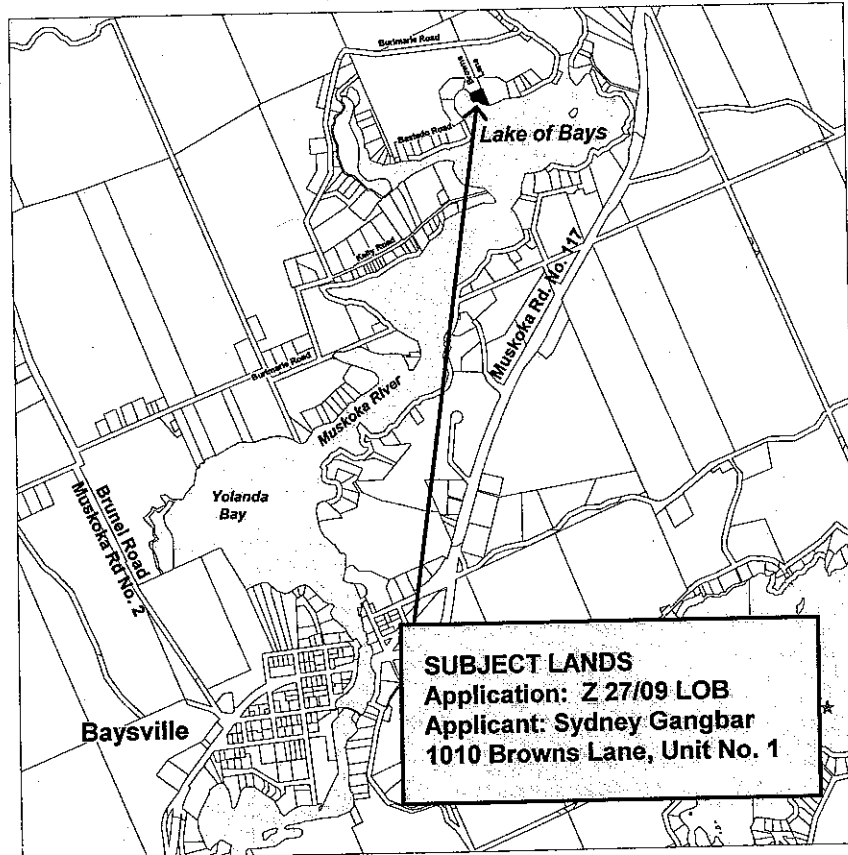
Deputy Clerk

READ a THIRD time and finally passed this 22nd day of September, 2009.

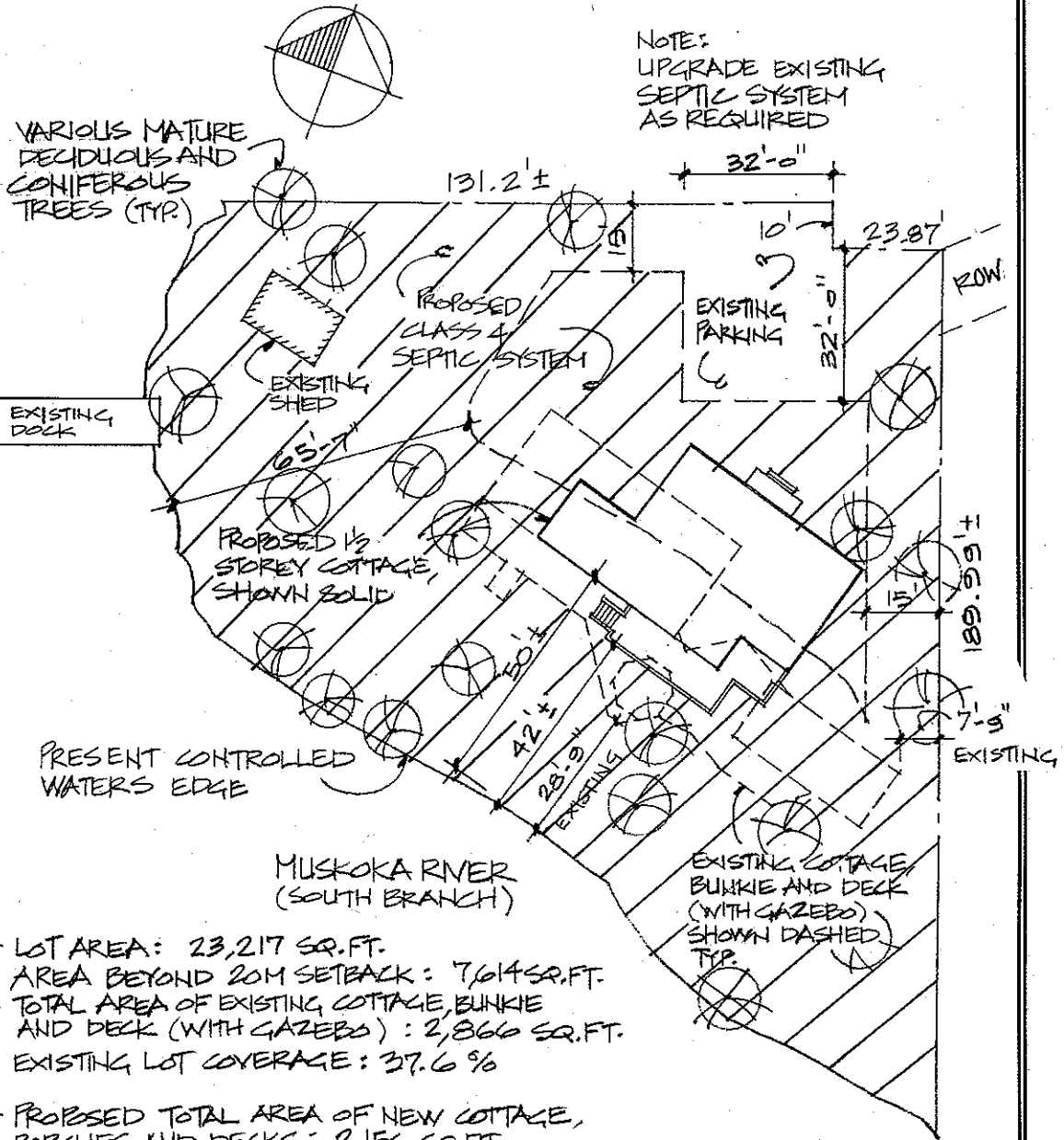
Mayor

Deputy Clerk

SCHEDULE "A"
By-law Amendment No. 09-113



SCHEDULE "B"
By-law Amendment No. 09-113

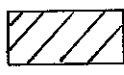


- LOT AREA: 23,217 SQ. FT.
- AREA BEYOND 20M SETBACK: 7,614 SQ. FT.
- TOTAL AREA OF EXISTING COTTAGE, BUNKIE AND DECK (WITH GAZEBO): 2,866 SQ. FT.
- EXISTING LOT COVERAGE: 37.6 %
- PROPOSED TOTAL AREA OF NEW COTTAGE, PORCHES AND DECKS: 2,156 SQ. FT.
- PROPOSED LOT COVERAGE: 28.3%

SITE PLAN

PROPOSED GANGBAR COTTAGE
 MUSKOKA RIVER
 (SOUTH BRANCH)

BY: J. CRAIG
 DATE: SEPT. 1 2009
 SCALE: 1" = 30'-0"

 SUBJECT LANDS to be re-designated from the Waterfront Residential "(WR)" Development Permit Area to the Waterfront Residential with an Exception "(WR-E218)" Development Permit Area