

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

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

**RE: BY-LAW AMENDMENT APPLICATION:
Z 39/07 LOB (Russell)
Applicants: Brenda & Wallace Russell
Part Lot 29, Conc. 12, Ridout Ward, on Grandview Lake
Roll No. 030-012-07900
1007 East Grandview Lake Road**

RECOMMENDATION:

That Application **Z 39/07 LOB (Russell)** for a site specific by-law amendment in order to recognize two separate lots as one for planning purposes and permit the re-development of the subject lands to include a re-located and larger dwelling and a garage on the developed waterfront lot, be **DEFERRED** to the meeting of October 27th, 2009. This will provide the applicant with additional time to revise their proposal such that it conforms with the overall direction of the Official Plan.

ORIGIN:

An application has been received from Brenda & Wallace Russell in which relief from the requirements of By-law 04-180 is requested. The lands are located in Part of Lot 29, Concession 12, Ridout Ward (Roll No. 030-012-07900), on Grandview Lake. The property is located within the Waterfront Residential "WR" Development Permit Area, and is developed with a single family dwelling with attached deck and a dock. The applicants wish to demolish the existing dwelling and construct a new dwelling, as well as a garage. As the proposed dwelling is located within the shoreline yard and would exceed the maximum allowable lot coverage, a by-law amendment is required to permit the proposed construction. In addition, the property is bisected by East Grandview Lake Road, and it is proposed to deem the lots on either side of the road as one lot for planning purposes.

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-E174**" Development Permit Area. The effect of the "WR-E174" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

- i) Section 5.1.1(d) (Minimum Shoreline Yard Setback), reduce from 20 metres (65.6 feet) for the proposed dwelling;
- ii) Section 5.1.1(i) (Maximum Lot Coverage), increase from 8% to permit the construction of the dwelling and garage; and
- iii) Deem the lots on either side of East Grandview Lake Road as one lot for planning purposes (being Parts 22 & 24 on Plan 35R-5179 & Part 8 on Plan 35R-10115).

BACKGROUND:

Previous Files:	n/a
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Natural Constraints:	• Category 2 Lake
LOB Official Plan:	Waterfront.
District Official Plan:	Waterfront.
LOB By-law 04-180:	• “Waterfront Residential (WR)” Development Permit Area

Site Characteristics:

The lot slopes gradually from East Grandview Lake Road towards the lake in a southerly direction. The lot is generally described as an existing, developed and undersized lot. The current dwelling is located within the required shoreline yard setback. The lot contains some naturally vegetated areas, however, due to the proximity of the dwelling to the water, the structure is somewhat visible from this perspective. There is some mature vegetation located within the side yard areas.

The northerly property (opposite side of East Grandview Lake Road) is currently vacant and is comprised of existing mature vegetation. Portions of this lot slope away from the road in a northerly direction.

Surrounding Uses:

The surrounding land uses are comprised of low-density waterfront residential.

ANALYSIS:

This application was briefly reviewed by Council on December 18th, 2007. Council had decided to defer making a decision on this application at the request of the applicants and since then, the applicants have revised their proposal. A copy of the original proposal is included for Council's information. This application was also re-circulated for comment due to this new proposal.

Current Situation

An existing legal non-complying dwelling is located on the southerly portion of the lot and within the required shoreline yard setback. Currently the dwelling is located approximately 11.1 metres at its closest point from the present water's edge. An attached deck extends an additional 2.3 metres closer to the waters edge.

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 instance, as a dwelling is located on the existing lot of record, Section D.14(c) would permit an addition to the dwelling where the water setbacks are not further reduced. This is illustrated in Section J.41, which permits the recognition of this structure in this location as well as an expansion thereto provided that the non-compliance is not further compounded (i.e. moving closer towards the water's edge).

Although this application proposes to demolish the dwelling, they are seeking to utilize portions of the existing footprint while centering the dwelling on the lot and also ensuring that the dwelling does not encroach into the required Ontario Building Code setbacks from the distribution pipes of the existing septic system.

Upon review of the sketch, it is noted that the dwelling is proposed to be setback approximately 12.2 metres and the attached deck will be located approximately 10.4 metres at its closest point to the

water's edge. As the applicant appears to be slightly improving the situation, away from the side lot line and slightly back from the water's edge, they are also looking to increase the height (although keeping with the maximum height provisions) and size of the dwelling from 124.6 m² (1341 ft²) to 151.7 m² (1633 ft²). In addition, they are proposing to construct a detached 42.3 m² (455 ft²) garage to be located behind the dwelling. With respect to lot coverage (calculated based on the existing By-law definition), the applicants are requesting an increase from approximately 13.2% to the proposed 15.6%. However, when considering the entire lot and all existing structures, the proposal would account for an increase from 8% to 12.3%.

With respect to construction activity on a lot, staff have consulted with local builders and the Township's Building Officials and would note that under normal construction activity, it is very difficult to maintain existing and natural grades especially in front (lakeside) of a dwelling. Under most circumstances, approximately 6 metres (20 feet) can be disturbed (including any existing vegetation) due to the construction activity. Therefore, Council must proceed with caution when considering new development within the required shoreline yard setback and while considering the dimensions of the subject lot and the character of the neighbourhood.

Character

Section H.58 of the Township Official Plan sets out the framework to impose the applicable zoning requirements. The framework is intended to generally reduce the dominance of built form throughout the Township, ensure compatibility and maintain privacy between lots. In addition, Sections D.10, H.18, H.19 and H.20 provide the specific waterfront design principles when considering similar applications. Of particular importance, Section H.20(i) requires that building mass and lot coverage 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 similar undersized lots. Although the applicant has proposed to centre the dwelling on the lot, staff feel that this is an improvement to the overall situation. However, the applicant should consider the relocation of the existing septic field to push the proposed development further back from the water's edge to ensure the existing vegetation is maintained and move closer to the required water setbacks.

With respect to the potential for impacts of the new dwelling from the water's perspective, a primary guiding principle for Council has been whether or not the proposed structure will result in a negative visual impact when viewed from this perspective. This consideration ensures the character of this particular area will be maintained. The specific waterfront design principles found in Section H.20 of the Official Plan figure prominently in the determination of whether or not there will be a negative visual impact. Upon attending the site, it was noted that portions of the shoreline yard are comprised of existing mature vegetation. This currently provides an adequate buffer to the existing dwelling when considering the existing height and size of this structure. However, as previously mentioned, although the proposed development is located slightly further back from the water, it will be higher and bigger than the existing structure. Staff cannot support this aspect of the proposal as it does not conform to Section D14(c) of the Township Official Plan and would recommend a revised proposal to move the dwelling further back from the water's perspective.

In terms of the existing septic system, Section C.48 of the Township Official Plan requires that all development have a suitable system for sewage disposal which is adequate to serve the proposed development. In this regard, it would appear that the existing septic system could accommodate this proposed development, however, the building official will require a septic compliance prior to the issuance of a building permit. Should a change to the filter bed be required, the applicant should be aware that the re-development plans could alter the submitted proposal.

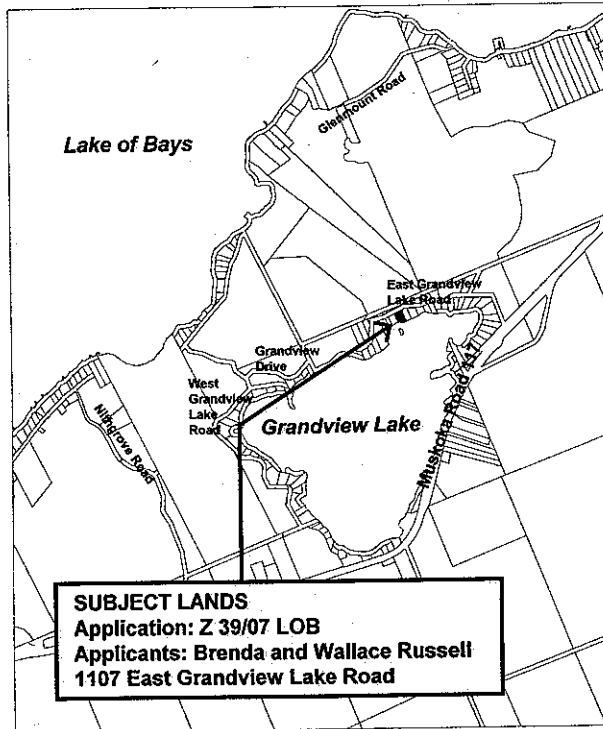
In view of the foregoing, staff would recommend that Council defer making a decision on this file as presented to permit the applicant to consider the relocation of the tile bed and thus moving the proposed dwelling further back from the water's edge in accordance with the applicable Development Permit provisions and the overall direction of the Official Plan.

Respectfully submitted by,

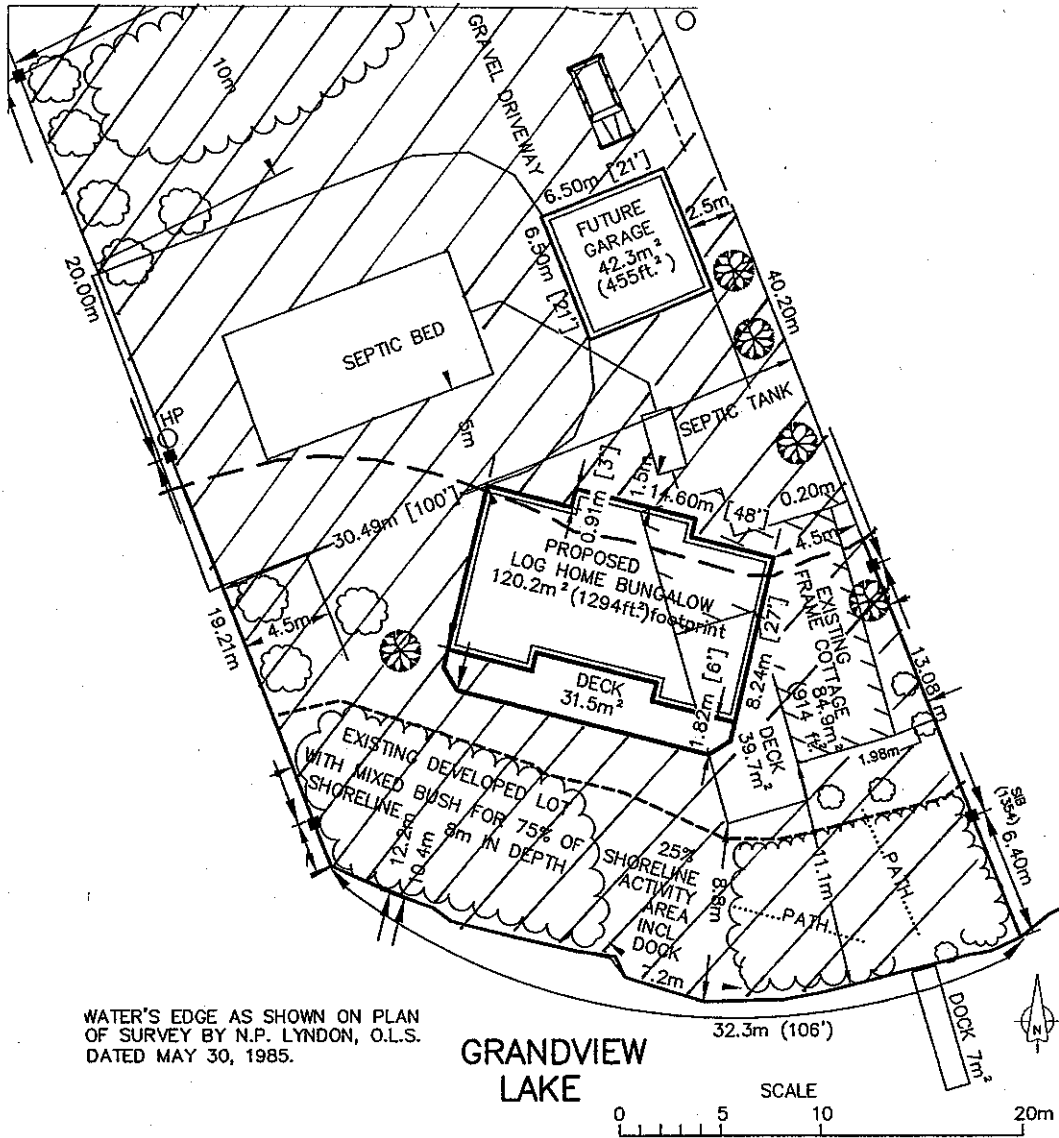
Kelly Stank


Stefan Szczerbak, M.Sc, RPP, MCIP
Planner

SCHEDULE "A"
By-law Amendment No. 09-108



SCHEDULE "B"
By-law Amendment No. 09-108



 **SUBJECT LANDS** to be re-designated from the Waterfront Residential "WR" Development Permit Area to the Waterfront Residential with an Exception "WR-E174" Development Permit Area

✓ SHORELINE BUFFER MAINTAINED
 SHORELINE ACTIVITY AREA
 25% (32.3m x 8m) = 64.6m²
 (incl. dock = 8m x 7.2m = 57.6m²)

LOT COVERAGE OF MERGED LOTS
 PARTS 22 & 24, PLAN 35R-5179
 194m² / 1478m² = 13.1%

FRONT YARD DWELLING SETBACK = 12.2m
 FRONT YARD DECK SETBACK = 10.4m

SCHEDULE "C"
By-law Amendment No. 09-108



FRONT ELEVATION
AUGUST 14, 2009

48'

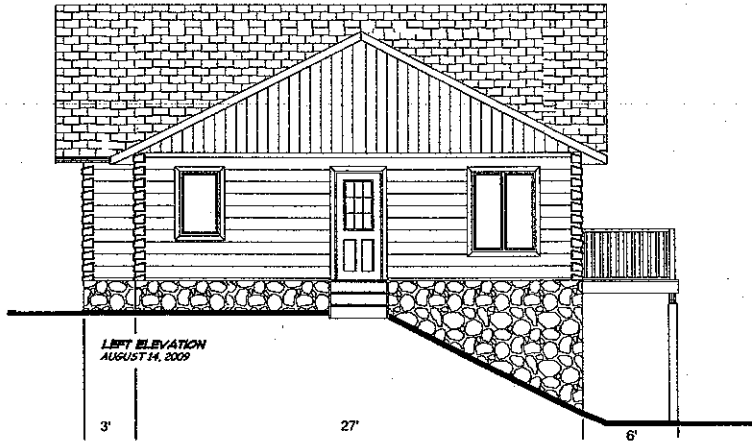
Lakeside



REAR ELEVATION
AUGUST 14, 2009

48'

Roadside

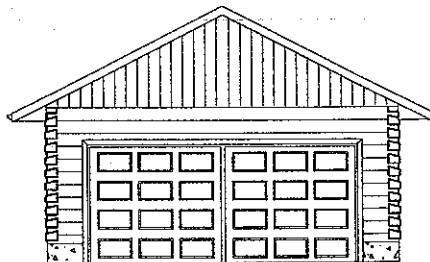


LEFT ELEVATION
AUGUST 14, 2009

3'

27'

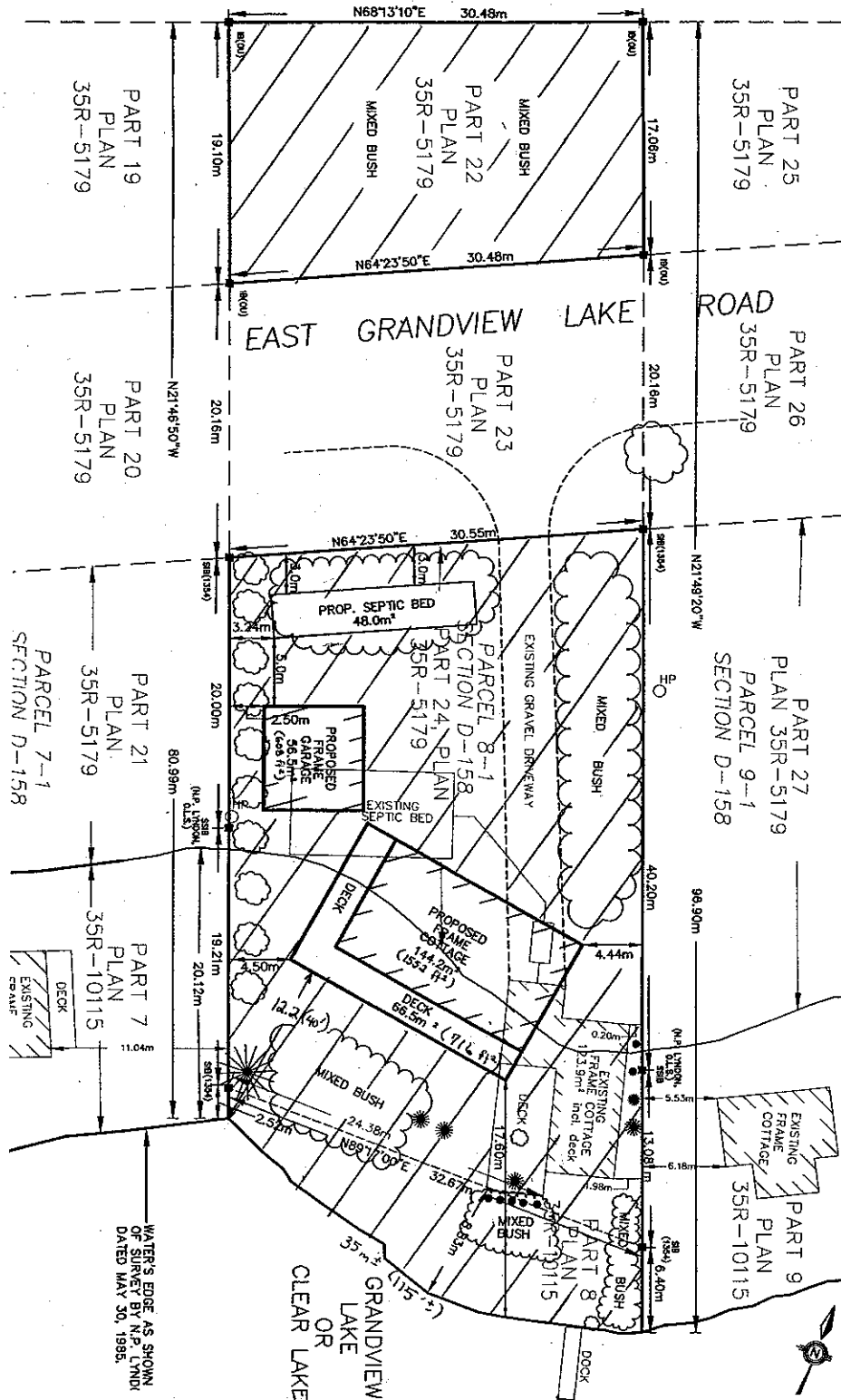
6'



21' x 21' GARAGE
FRONT ELEVATION

KEY MAP
By-law 04-180 Amendment Application Z 39/07 LOB
Applicants: Brenda & Wallace Russell
Lot 29, Concession 12, Ridout Ward

CONCESSIONS 12 AND 13



WATER'S EDGE AS SHOWN
 OF SURVEY BY N.P. LYNDI
 DATED MAY 30, 1985.

1:400

**ORIGINAL
 PROPOSAL**

August 23, 2009

To Whom It May Concern,

This will confirm that I/We are aware of the Application for Development Permit submitted to the Township of Lake of Bays by Wally and Brenda Russell for their property located at 1107 East Grandview Lake Road and have been provided with an opportunity to review the plans as prepared by B.Carswell with respect to same.

This will confirm that I/We have no objection to the proposed development.

B. V. Ford
Signature

Jim Paul
Signature

1115 East Grandview Lake Road

1115 East Grandview Lake Road

Aug 23/09
Date

Aug 23/09
Date

August 22, 2009

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[Handwritten Signature]
Signature

[Handwritten Signature]
Signature

1113 East Grandview Lake Road

1113 East Grandview Lake Road

AUG 22-09
Date

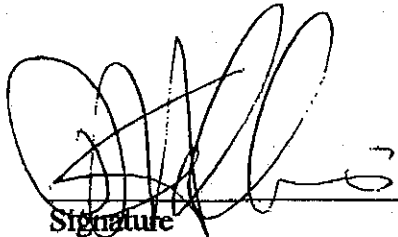
AUG 22/09
Date

August 21, 2009

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Signature


Signature

1111 East Grandview Lake Road

1111 East Grandview Lake Road

Aug 21/09
Date

Aug 21/09
Date

August 21, 2009

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Carey Nyatt
Signature

Lois Nyatt-Gaborey
Signature

117-1 East Grandview Lake Road

117-2 East Grandview Lake Road

AUG. 21. 2009
Date

AUG. 21. 2009
Date

August 21, 2009

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Susan Heyatt
Signature

Greg Myatt
Signature

1117-2 East Grandview Lake Road

117-2 East Grandview Lake Road

Aug. 21, 2009
Date

AUG. 21. 2009
Date

August 22, 2009

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Signature

1097 East Grandview Lake Road

AUG 22/09
Date


Signature

1097 East Grandview Lake Road

AUG 22/09
Date

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L. DeGabelle
Signature

J. DeGabelle
Signature

 East Grandview Lake Road

 East Grandview Lake Road

Aug 22/09
Date

Aug 22/09
Date