

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

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

RE: DEVELOPMENT PERMIT APPLICATION: DP 64/09 LOB (Steeves)
Applicants: Edward Steeves
Agent: Wayne Simpson & Associates
Part Lot 22, Concession 6, Franklin Ward, on Lake of Bays
Roll No. 010-014-10500
Civic Address: 1045 Hemlock Ridge Road

RECOMMENDATION:

That Council pass the following resolution to **APPROVE** the Category 2 – Development Permit Application **DP 64/09 LOB (Steeves)**:

WHEREAS the applicant has submitted Development Permit Application **DP 64/09 LOB (Steeves)** in order to seek relief from:

- i) Section 5.1.1(l) (Maximum Shoreline Activity Area Coverage), increase from the permitted 40% to 48.9%;

of Development Permit By-law 04-180, in order to permit the construction of a dock and boathouse facility, located in Pt. Lot 22, Conc. 6, Franklin Ward, on Lake of Bays (Steeves) (1045 Hemlock Ridge Road) (Franklin) (010-014-10500);

AND WHEREAS a shoreline activity area has not been identified in order to prevent the removal of any shoreline vegetation without further approval under By-Law No. 04-180;

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays considers the notice of this application to be sufficient;

NOW BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays is satisfied that the criteria as outlined in Schedule C of the Development Permit By-law has been fulfilled, and hereby **APPROVES** the proposal in accordance with the attached sketch subject to the following conditions:

1. That the works be carried out in accordance with plans submitted: August 13, 2009 and marked: **DP 64/09 LOB**;
2. That the permission granted herein shall lapse two years from the start date of construction/development, unless the work for which the permission has been given has been completed. If the works have not been completed by the aforementioned date, an extension to this condition may be required and all on-going and future work must cease until an extension to this permit or a new development permit is obtained. What shall be deemed as "complete" is within the sole discretion of the Township of Lake of Bays;

3. That the Township of Lake of Bays be notified 48 hours prior to the commencement of any works and be notified of the completion of the project;
4. All lighting facilities shall be directed downwards and be required to minimize the impact on lake views, night skies and environmental features; and
5. That a shoreline buffer shall be established and maintained abutting any portion of a shoreline that does not form part of the shoreline activity area. A shoreline buffer shall be a minimum of 15 metres (49.2 ft) in depth measured inland from ordinary water's edge, unless otherwise specified in this by-law. All other provisions of the By-law must be complied with.

ORIGIN:

An application has been received from Wayne Simpson & Associates, on behalf of Edward Steeves, in which relief from Development Permit By-law 04-180 is requested.

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area and is developed with a dwelling; an open deck to be attached to the dwelling is proposed to be constructed in the future, as well as a detached garage. The applicant also wishes to construct a dock and boathouse structure, and as this proposal exceeds the maximum allowable shoreline activity area coverage, a Council Variation is required.

Accordingly, the purpose and effect of this application is to seek relief from the following Section of By-law 04-180:

- i) Section 5.1.1(I) (Maximum Shoreline Activity Area Coverage).

Site Characteristics:

The lands, which are included within the "Waterfront" designation of both the Township and District Official Plans, consist of steep slopes throughout the property. The lands slope in a southwesterly direction towards the lake. The shoreline yard consists of steep slopes and mature, natural vegetation.

It would appear and the applicants have confirmed that the Original Shore Road Allowance is closed.

Surrounding Uses:

The surrounding lands are developed with low density residential uses.

ANALYSIS:

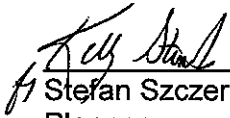
Planning Comments:

The Township Official Plan, (Sections H.21 and H.22), together with Sections 4.70 and 4.71 of the Development Permit By-law 04-180, promote a standard of 25% of the shoreline frontage up to a maximum of 23 metres (76 feet) for maintenance of an appropriate balance between the natural shoreline and built form within the waterfront designation. In addition, Section H.20 of the Township Official Plan provides the design principles to be implemented when considering development within this designation. These design guidelines figure prominently in the determination of whether or not there will be a negative visual impact when viewed from the water. Essentially, new development should blend into natural shoreline and building mass and coverage should be limited in relation to the size and frontage of the property.

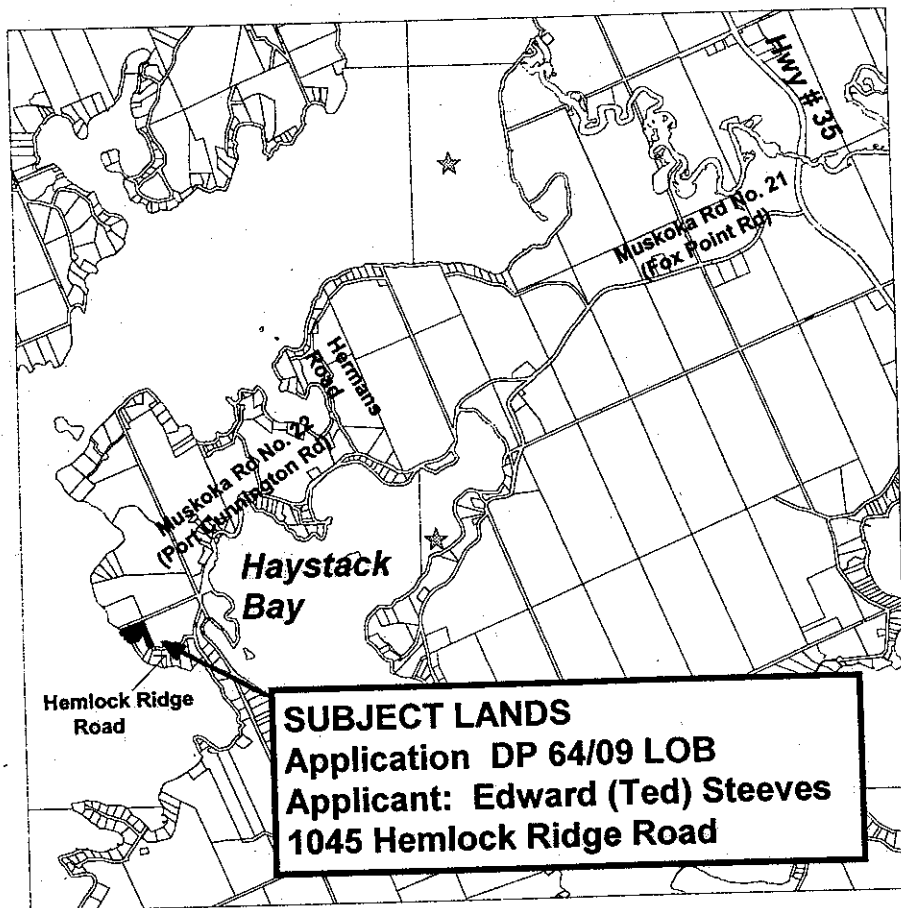
In this case, the lands are comprised of 121 metres (400 feet) of shoreline frontage. Therefore, in accordance with Section H.22 of the Official Plan and the applicable by-law provisions, the lot would be permitted a shoreline activity area frontage of 23 metres (76 feet). The total permitted shoreline structures should not (as of right) exceed approximately 2000 square feet. At present there are no permitted shoreline structures located in the shoreline yard.

When considering the location of the proposed dock structure, the structure is proposed to be centrally located on the lot. The structure will account for approximately a 1600 square foot boathouse and 824 square feet of attached docking. The applicants are proposing 49% coverage. As the subject lot is comprised of a large lot with extensive frontage, provided Council agrees that a shoreline activity area not be identified in order to minimize the potential for visual impact as well as prevent the removal of any shoreline vegetation without first being approved by Council and that the ground area along the shoreline remain in a natural state, staff would have no concerns with the approval of this application and feel that the proposal generally conforms to the intent and purpose of the Township Official Plan, namely Section H.20 (i).

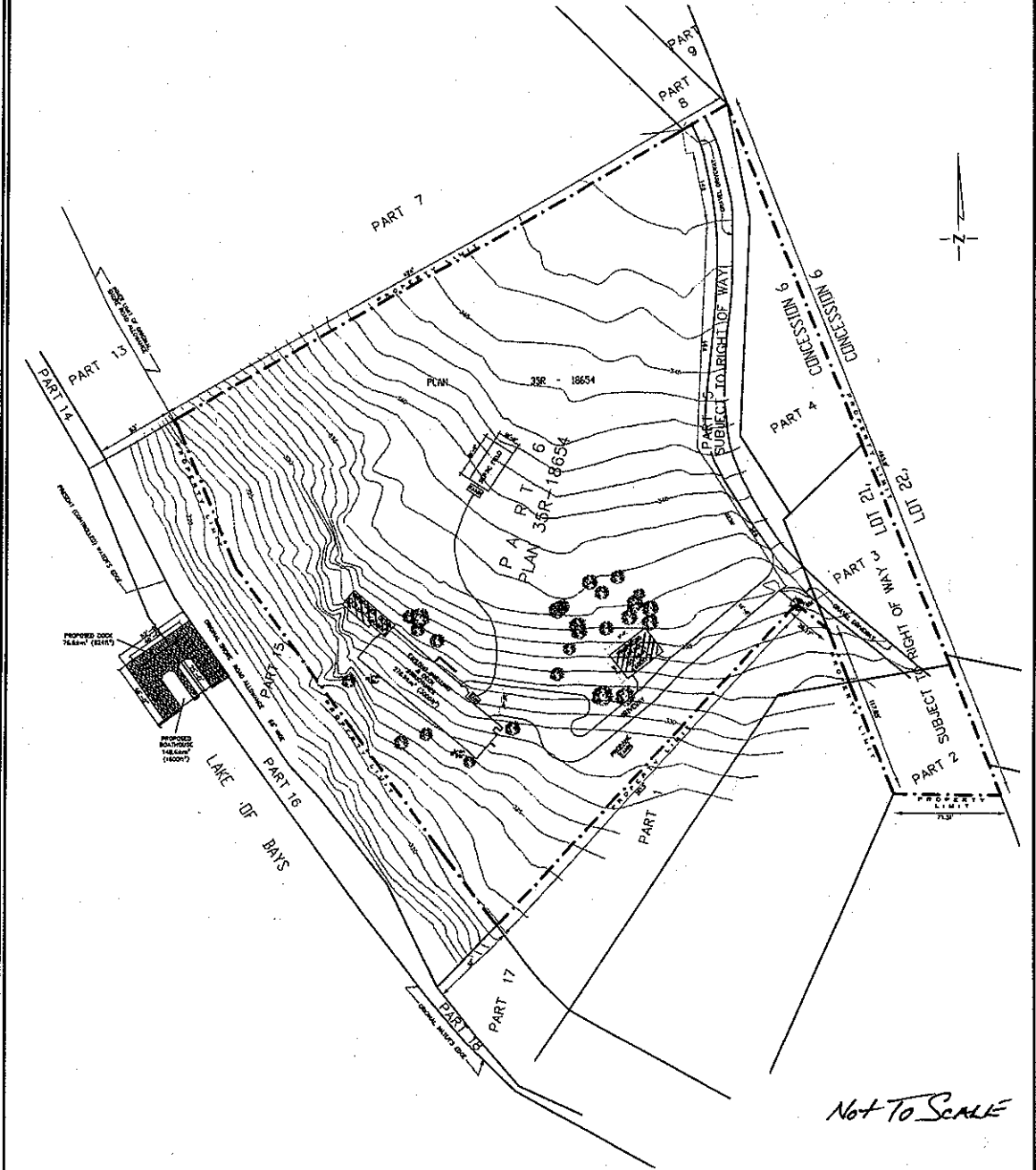
Respectfully submitted by:



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



KEY MAP
APPLICATION DP 64/09 LOB
Applicant: Edward (Ted) Steeves
Part Lot 22, Concession 6, Franklin Ward



Stefan Szczerbak

From: Michael Moffat [REDACTED]
Sent: September 14, 2009 11:38 AM
To: Stefan Szczerbak
Subject: Fw: STEFAN SZCZERBAK--Application: DP64/09 lob (steeves)

----- Original Message -----

From: Michael Moffat
To: planner@lakeofbays.on.ca
Sent: Monday, September 14, 2009 10:06 AM
Subject: STEFAN SZCZERBAK--Application: DP64/09 lob (steeves)

With reference to our telephone conversation this morning, regarding the Application :DP 64/09LOB (STEEVES) concerning the building of a boat house/ dock, I contend that the current by-law should be upheld and that the maximum allowable shoreline activity area coverage should not be exceeded. The by-law was carefully designed to provide more than sufficient space for activity, for environment protection and visual suitability for the Lake. The architects have the space and flexibility to design the dock/boat house to meet all the by-law requirements and there is no reason for Council to permit a variation in the by-law .

Michael Moffat
[REDACTED]