

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

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

RE: DEVELOPMENT PERMIT APPLICATION: DP 59/09 LOB
Applicants: Judith and (Adolph) John Strazds
Part Lot 15, Concession 5, Finlayson Ward, on Camp Lake
Roll No. 020-016-05500
Civic Address: 1773 North Camp Lake Road

RECOMMENDATION:

That Council pass the following resolution to **APPROVE** Development Permit Application **DP 59/09 LOB (Strazds)**:

WHEREAS the applicant has submitted Development Permit Application **DP 59/09 LOB (Strazds)** in order to seek relief from:

- a) Section 5.1.1 (d) (Minimum Shoreline Yard Setback), decrease from the required 30 metres (100 feet) to 17.37 metres (57 feet)

of Development Permit By-law 04-180, in order to permit the construction of a 480 ft² addition onto the northerly side of the existing dwelling, located in Pt. Lot 15, Conc. 5, Finlayson Ward, on Camp Lake (Strazds) (1773 North Camp Lake Road) (Finlayson) (020-016-05500);

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 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 59/09 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 & DESCRIPTION:

An application has been received from Judith and (Adolph) John Strazds, in which relief from Development Permit By-law 04-180 is requested. The lands, which are currently located within the "Waterfront Residential (WR) Development Permit Area", are developed with a single family dwelling of 320 ft² with attached open deck and stairs (96 ft²), a private cabin/shed (126 ft²) with attached deck (16 ft²), as well as a dock (132 ft²). The applicants seek relief from By-law No. 04-180 in order to construct an addition of 480 ft² onto the northerly side of the existing dwelling with an attached open deck entrance of 15 ft². As the proposed construction does not meet the minimum required shoreline yard setback, a Council Variation is required. Accordingly, the applicants are requesting relief from the following section of By-law 04-180:

- i) Section 5.1.1(d) (Minimum Shoreline Yard Setback)

Site Characteristics:

The subject lands slope steeply from North Camp Lake Road towards the lake. The lot then levels out surrounding the dwelling and then slopes gradually towards the water's edge. The shoreline yard contains some mature vegetation. The dwelling currently blends into this existing vegetation.

Surrounding Uses:

The surrounding lands contain low density residential uses.

ANALYSIS:

Development Considerations

Upon review of Schedule D1 of the Township's Official Plan, the subject lands are comprised of slopes ranging between 30% and 40%. A site inspection has confirmed that the area of steep slopes is located between the road and the existing building envelope. As this application proposes an addition onto an existing dwelling located outside of the sloped portion of the lands, this proposal would not negatively impact the sloped area of the property and therefore is in accordance with the provisions of Section E.3 of the Township's Official Plan.

Upon review of Appendix A to the Township's Official Plan, the area located in front of this property has been identified as "unknown" Fish Habitat. It is the direction of the Official Plan to treat this habitat as "Type 1" Fish habitat. Therefore, Sections D.12 and D.100 of the Official Plan permit development on existing lots, provided it is setback a minimum of 30 metres from the water's edge and maintains or establishes a minimum 15 metre wide (50 ft) vegetative buffer along the water frontage. However in this case, as a dwelling is located on the existing lot, Section D.14(c) would permit an addition to the existing dwelling where the water setbacks are not further reduced.

Character

When considering this development proposal, the design principles found in Section H.20 of the Official Plan figure prominently into Council's decision. Where practical, staff and Council have traditionally been flexible reviewing these policies when considering additional development to legal non-complying structures (existing structures located within the shoreline yard). When making decisions on these types of proposals, a primary guiding principle for Council has been whether or not the proposal will result in a negative visual impact when viewed from the water. These waterfront design guidelines (H.20) assist in the determination of whether or not there will be a negative visual impact. 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.

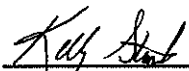
Upon review of the subject lands, as noted above, the existing dwelling is located approximately 17.4 metres (57 feet) from the water's edge at its' closest point. The plans indicate that the proposed addition will be located onto the end of the dwelling that is situated in such a way that it will not encroach closer to the water's edge due to the existing shoreline contours.

Further, upon attending the site, when considering the angled location of the existing dwelling and the location of the existing shed/bunkie, staff feel that when reviewing the location of the proposed addition, it does not contribute to an increase to the legal non-complying shoreline activity area frontage. It is also noted that the shoreline yard is comprised of existing mature vegetation, and when considering the location of the addition and the location of the existing shed, the addition will not pose any significant visual impacts when viewing this property from the water's perspective.

Therefore, it is recommended that Council exclude the identification of the applicable shoreline activity area within the Development Permit to prevent the removal of any vegetation within the shoreline yard.

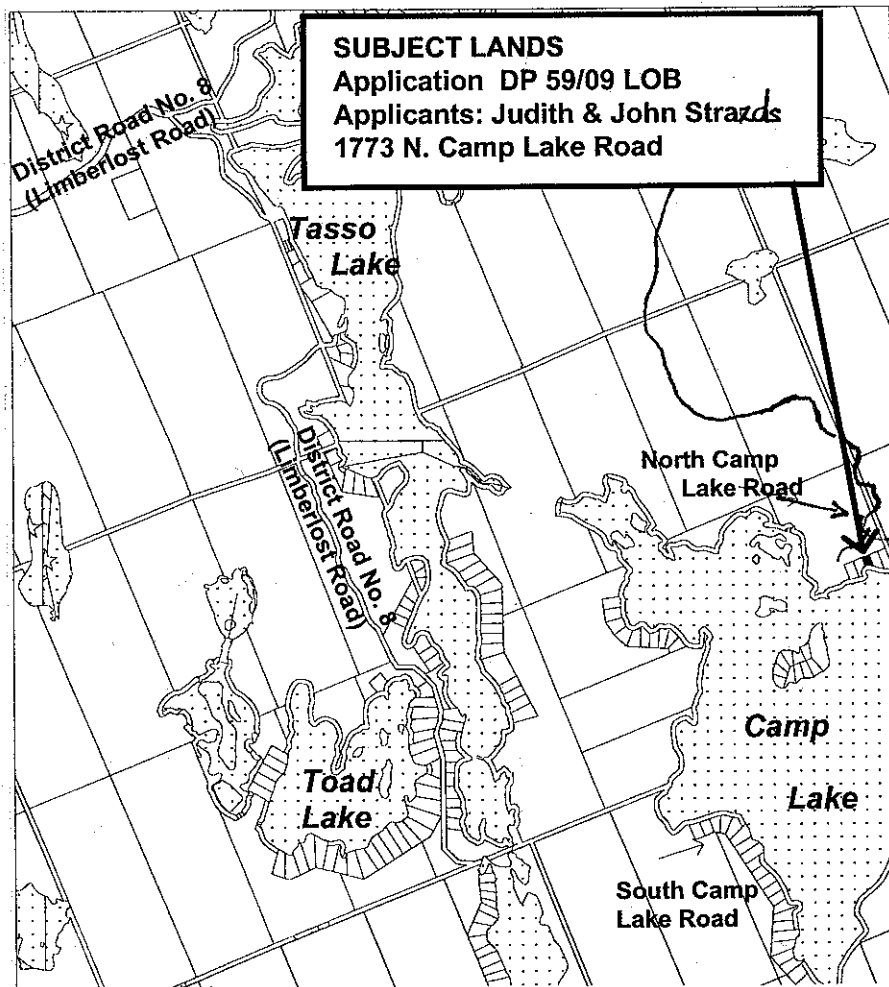
In view of the foregoing, considering the location of the proposed addition onto the dwelling and the angling effect of built form along the shoreline, staff feel that this proposal conforms to the general intent of the Township Official Plan. With respect to the Development Permit By-law, provided a shoreline activity area is not identified, staff feel the proposal would comply with the general intent of the By-law and the requirements in Schedule C will be met.

Respectfully submitted by:



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

CONCEPTUAL VARIATION



KEY MAP
APPLICATION DP 59/09 LOB
Applicants: Judith and (Adolph) John Strazds
Part Lot 15, Con. 5, Finlayson Ward

