

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

**TO: Mayor & Members of Council**

**FROM: Stefan Szczerbak, Planner**

**DATE: April 20<sup>th</sup>, 2010**

**RE: By-law Amendment Application:**

**Z 04/10 LOB (2218247 Ontario Inc.)**

**Applicant: Jason DeZwirek**

**Agent: Marie Poirier Planning**

**Part Lots 25/26, Con. 8, Franklin Ward, on Lake of Bays**

**Roll No: 010-001-07301 & 010-001-07601**

**1021 Echo Lane**

**RECOMMENDATION:**

That Application **Z 04/10 LOB (2218247 Ontario Inc.)** for a site specific amendment to the Development Permit By-law No. 04-180 to permit the re-development of the subject lot with a new single family dwelling and various accessory structures be **DENIED**, as it does not conform to the general intent of the Township's Official Plan and Development Permit By-law No. 04-180.

**BACKGROUND:**

*Purpose:*

The property is located within the "**Waterfront Residential (WR)**" Development Permit Area of By-law 04-180, and consists of two properties separated by an original road allowance between Lots 25 & 26. Both of these parcels of land are recognized as being one lot for planning purposes through an existing agreement registered on the title of the lands.

The property is currently developed with a one storey dwelling with attached garage (2885 ft<sup>2</sup>), a second 550 ft<sup>2</sup> garage, and a 960 ft<sup>2</sup> dock. The applicant wishes to re-develop the property as follows:

- 1) demolish the existing dwelling and construct a new dwelling with a 7200 ft<sup>2</sup> footprint;
- 2) demolish the detached one-storey garage and replace it with a 725 ft<sup>2</sup> garage;
- 3) construct a 820 ft<sup>2</sup> sleeping cabin;
- 4) remove the existing dock and enlarge it to a 960 ft<sup>2</sup>;
- 5) develop two new shoreline activity areas along the easterly shoreline with a new 4 slip 2500 ft<sup>2</sup> boathouse with attached docks totalling 3654 ft<sup>2</sup> and a new 456 ft<sup>2</sup> swim dock that includes a gazebo;
- 6) remove existing tennis court and replace with new one;
- 7) construct an accessory 636 ft<sup>2</sup> shed and
- 8) construct a 168 ft<sup>2</sup> dock located on an existing pond.

As the proposed construction would significantly exceed several provisions of By-law 04-180, a by-law amendment is required to permit the proposed construction. Accordingly, the purpose and effect of this by-law amendment is to re-designate the property from the "**Waterfront Residential (WR)**" Development Permit Area to the "**Waterfront Residential with an Exception WR-E235**" Development Permit Area. The effect of the "**WR-E235**" Development Permit Area will be to seek relief from the following requirements:

- i) Section 5.1.1(i)(Maximum Lot Coverage—Other Situations, the maximum permitted footprint constructed between 20 meters and 60 metres of the shoreline), increase from the allowable 510 m<sup>2</sup> (5499 ft<sup>2</sup>) to 669 m<sup>2</sup> (7200 ft<sup>2</sup>);
- ii) Section 4.70, increase the number of permitted shoreline activity areas from the maximum of 2 to 4;
- iii) Section 5.1.1(k)(Minimum Shoreline Activity Area Frontage), increase from the permitted 25% frontage to a maximum of 23 metres (75.5 ft) to 75 metres (246 ft);
- iv) Section 5.1.1(i)(Maximum Shoreline Activity Area Coverage), increase from the allowable 40% to 102%;
- v) Section 4.5, increase the maximum floor area for a sleeping cabin from the permitted 54 m<sup>2</sup> (581 ft<sup>2</sup>) to 76.2 m<sup>2</sup> (820 ft<sup>2</sup>);
- vi) Permit a dock as an accessory structure outside of a the permitted shoreline activity area and located on the pond and
- vii) Section 5.1.1(g)(Minimum Exterior Side Yard Setback), reduce from the required 10 metres (32.8ft) to 0 metres for the purpose of constructing the proposed garage located adjacent to the original road allowance between Lots 25 & 26.

In addition, this site specific amendment will recognize the two parcels of land, being Part 1 on Plan 35R-22983 (easterly portion) and Part 8 on Plan 35R-22983 (westerly portion), as one lot for planning purposes.

#### *Site Characteristics and Surrounding Uses:*

The waterfront portion of the property is comprised of 3.33 acres with approximately 1041 feet of water frontage, while the second parcel of land is comprised of approximately 5.075 acres and does not have water frontage. Generally both of these parcels slope in an easterly direction towards the shorelines of the Lake of Bays. The surrounding lands continue to rise in a westerly direction. With respect to the developed waterfront parcel of land, the lot is generally level surrounding the existing dwelling. Upon attending the site there has been some recent shoreline vegetation removal and site alteration within the shoreline yard. The balance of the shoreline yard is comprised of what appears to be a landscaped beach, some small trees and low-lying shrubs. As the point of land is comprised of bedrock, the shoreline yard is quite open and the existing dwelling is clearly visible when viewed from the water's perspective. The balance of the shoreline outside of this developed area remains relatively undisturbed. The backlot parcel of land is generally comprised of existing natural vegetation except for the recent vegetation removal and site alteration presumably for the proposed tennis court.

The surrounding lands to the north and the west contain the existing Maharishi Academy for Creative Intelligence, formally the Britannia Lodge and the remaining surrounding lands are comprised of low density residential uses.

*Resource and Other Information:*

<b>Complete Application</b>	<ul style="list-style-type: none"> <li>• Deemed to be complete on March 31, 2010</li> </ul>
<b>Previous Files:</b>	<ul style="list-style-type: none"> <li>• Application Nos. B 50/95, B51/95 &amp; B 12/98 LOB</li> <li>• Application Z 12/98 LOB, By-law 99-66</li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• Type 2 Fish Habitat</li> <li>• Property is subject to Flood Plain elevations associated with Lake of Bays.</li> </ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront</li> </ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront</li> </ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"> <li>• "Waterfront Residential (WR)" Development Permit Area</li> </ul>
<b>OSRA Status:</b>	<ul style="list-style-type: none"> <li>• Open – An application to Close the OSRA has been submitted.</li> </ul>
<b>Built Heritage Information:</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>

**ANALYSIS:**

Character

A review of the plans submitted with this application reveals that this redevelopment proposal seeks relief from several provisions of the Development Permit By-law as indicated above. When considering the redevelopment of a lot, the direction of the Official Plan (Sections C.6 & D.10) seeks to consider several principles to ensure the proposed development is sympathetic with the natural landscape and designed to maintain the natural characteristics of the individual lot; both in an effort to maintain the particular character within the waterfront designation. Some of these principles require that built form be limited to not dominate the landscape and minimize visual impacts when viewed from the water's perspective, the preservation of as much vegetation as possible, etc. With respect to preservation of the waterfront characteristics, Sections H.18, H.19 and H.20 provide additional design principles when considering similar applications. Section H.3 states that the limits of the waterfront designation are entrenched into the Development Permit By-law.

## Waterfront Design Principles

Besides requiring that buildings and structures be of a low profile and not exceed the height of the tree canopy, the waterfront design guidelines found in the Official Plan require building mass and coverage to be limited in relation to the size and frontage of the property. In an effort to maintain the specific character of Lake of Bays, the Bylaw sets a limit to the maximum footprint for those structures located in close proximity to the water. The Development Permit By-law is structured in such a way so to limit the amount of development located within the first 60 metres of any lot to a maximum of 511 m<sup>2</sup> (5500 ft<sup>2</sup>). The purpose of including this maximum allowable coverage within this area is to limit the potential for 'massing' of a residential building and accessory structures located close to the shoreline area. This would ensure that the built form does not dominate the landscape, as well as to retain the character of the shoreline area, in accordance with Section H.20 of the Township Official Plan.

In addition to the above, Council will recall that the provisions set out in the Development Permit By-law are supported by the various background community discussion papers. These discussion papers were reviewed through extensive public consultation. Specifically "Discussion Paper # 2 – Standard Waterfront Residential" specifically sets out the maximum allowable lot coverage within the first 60 metres of the shoreline. The purpose of including these figures is that it would allow for a reasonable, but not excessive amount of development located adjacent to the shoreline regardless of the size of the property in question.


While attending the site it was evident that works have already begun within the shoreline yard. Due to the lack of mature natural vegetation, an enhanced beach and the amount of bedrock located along the shoreline, not only is the current dwelling visible from two different perspectives when viewing the property from the water, but the proposed construction in terms of massing and height will have a greater and more significant visual impact when viewed from these perspectives. This is verified when reviewing the development plans where Council will note the applicant is proposing 669 m<sup>2</sup> (7,200 ft<sup>2</sup>) of lot coverage between 20 and 60 metres from the shoreline and that this structure is cumulatively 225 metres (740 ft) in length. Finally, the plans indicate that the other accessory structures have been located just beyond the 60 metre boundary to ensure additional coverage is not included in this area.

In addition, a review of the development plans has determined that the applicant is proposing additional Shoreline Activity Area Coverage to permit three separate shoreline structures totalling 345.23 m<sup>2</sup> (3716 ft<sup>2</sup>) which is a significant increase from the maximum permitted (185 m<sup>2</sup>), and which includes an oversized private sleeping cabin coverage (76.2 m<sup>2</sup>) from the maximum permitted (54m<sup>2</sup>), four separate Shoreline Activity Areas among other proposed structures identified throughout the property. Related to the number of shoreline activity areas, although Section 4.72 of the Development Permit By-law permits additional areas, each area must be located on a portion of the lot which serves the notional lot concept. As the applicant has situated their proposed works throughout the waterfront parcel, the notional lot concept cannot be applied in this instance.

It is also noted that the applicant did not pre-consult with staff prior to the submission of this application. Staff also attempted to work with the applicant's agent in order to reduce the scale and impact of the proposal. However, it was requested that this application be circulated as proposed. As a result staff have no alternative but to recommend its denial as it would

represent a significant departure from the intent of the Township Official Plan and the Development Permit By-law and would not therefore represent good planning.

Respectfully submitted by:

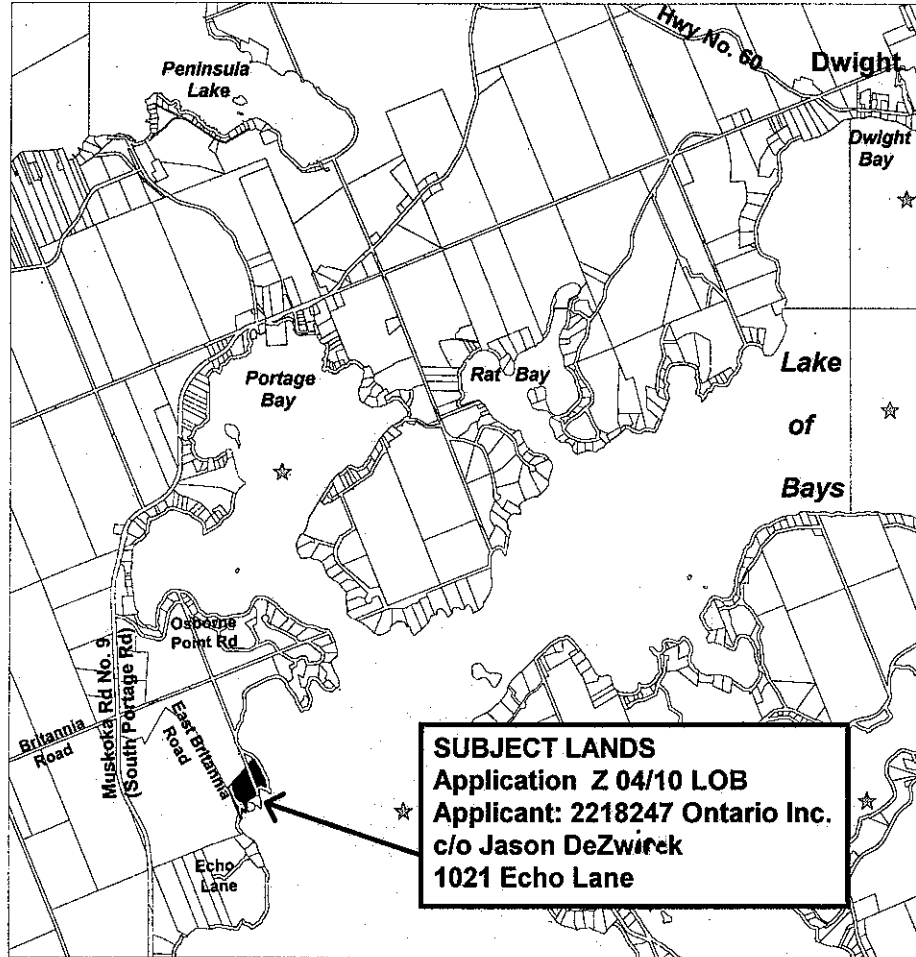


---

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

**KEY MAP**

**By-law 04-180 Amendment Application Z 04/10 LOB  
Applicant: 2218247 Ontario Inc. % Jason DeZwirek  
Part Lots 25 & 26, Concession 8, Franklin Ward, on Lake of Bays**



Property Roll Nos. 010-001-07301 & 07601