

HALIBURTON ECHO

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Sheryl Loucks-Staff Reporter

**“JUST SAY NO!”** Dysart council stands firmly behind rules in zoning by-law.

A new, stricter shoreline conveyance policy is being asked for by the Dysart et al councilors after a series of requests for municipal shoreline closures have caused conflicts for all parties involved.

At present the zoning bylaw proscribes a 66-foot shoreline setback for cottages, meaning owners cannot build or expand any buildings or structures into that 66 ft setback. While many older cottages in the township are already situated within the setback requirement, the bylaw prohibits any further development. This is where the problem starts to get complicated.

Owners planning to expand, rebuild or create new dwellings are asking to purchase the municipal shoreline allowance, which is permitted under present legislation. But legal title to the 66-foot allowance doesn't provide an exemption from the provision of the zoning bylaw, which restricts development within 66 feet of the originally surveyed high water mark. Cottage owners are not permitted to expand the existing footprint of the buildings that were built in the past on the 66-foot setback. That means they cannot buy a small cottage close to the water, demolish it and build a much larger cottage in the same place. Nor can they extend a deck or add a bedroom that impinges on the allowance. Exceptions are occasionally made to these provisions, but only when a specific application is made and the individual situation considered by the municipality's committee of adjustment.

Reeve Murray Fearrey says council needs to re-examine its policy on shoreline closures because of the volume of people who are now changing and up-grading smaller, older cottages that have been around for decades. He suggested that anyone who has circumvented the zoning bylaw by building without a proper variance or building permit within the setback, since it has been municipally established, will not be able to purchase the shoreline allowance. Fearrey also does not want the onus to be on the municipality to check to see if older buildings now in the allowance or setback are safe. I wouldn't mind coming up with some ideas to save people money and frustration, says Fearrey.

Pat Martin, Dysart planner warned Fearrey that people only tend to hear what they want to hear, no matter how much council or staff tries to help them. She also cautioned council that refusing to sell shoreline allowances or forcing people to build behind the setback can result in Ontario Municipal Board hearings, which are costly.

A file that came up for discussion at a recent council meeting is an example of the issues council faces. A small cottage was town down. The owners got a demolition permit from the municipality. They now want to build a four-foot extension on the original footprint which is

within the setback, but they tore down the existing cottage before getting approval for a minor variance on the new building permit. Councilors were divided on the issue. Bill Davis, deputy reeve, was adamant council needed to take a stronger stand against variances and make people get behind the 66-foot setback. Other councilors felt that since there had originally been a deck on the cottage, the proposed extension only cut into where the deck had been, it should be allowed-reinforcing Fearrey's call for a clearer policy.

In another case where a "storage garage" on the waterfront had been renovated and a second story built without a permit, council agreed the entire had to be taken back to the original size grand fathered in the bylaw, (the present rules prohibit boat houses) or the entire building had to be moved off the setback. These issues are black and white. There is no compromise for a permit, Davis insisted.

Martin says there is clear public support for enforcing waterfront setbacks as she recently saw when several letters of support came in to her office after Dysart's committee of adjustment denied an application from Gregory and Justine Pinch to build a boathouse within 20 feet of the high water mark on Picadilly Bay on Redstone Lake. The couple's two neighbours originally supported the application for a boathouse or storage garage for numerous canoes, but one neighbour has since withdrawn that support. The owners could not be reached for comment. The "Redstone Cottagers Association" is against the proposal and we also received letters from the Eagle Lake and Kennisis Lake Associations supporting Dysart's position, says Martin.

She explained the Pinch case is different because they already own the shoreline allowance, but it does demonstrate the public's belief in setbacks.