



March 20, 2024

Mayor and Members of Council
Seguin Township
5 Humphrey Drive
Seguin, Ontario P2A 2W8

Dear Mayor MacDiarmid and Members of Council:

Re: Public Meeting Input on Della Maestra Zoning By-Application R-2024-0007-H

The Muskoka Lakes Association (MLA) objects to the above-noted application to remove the restriction on a boathouse or boatport set out in Zoning By-law Amendment SR1-94 that was passed by Council on August 25, 2014.

Background

According to the Staff Report dated August 25, 2014, the property owner constructed a dwelling unit with a building permit. However, they proceeded to construct a sports court with substantial pillars, an observation deck, and an expansive stone gateway, all without building permits. These structures all exceeded the permissible height (from between 1.9m – 5.5m) and exceeded the permissible lot coverage by 57%. Lot coverage permitted was 5.5% (490 m²/5,275 ft.²). Lot coverage as built/constructed - without building permits for the sports court and observation deck - reached 8.65% (771 m²/8,299 ft.²).

The MLA wrote a letter to Council on April 7, 2014 (see attached), stating that:

- Too much development or overdevelopment on an individual property destroys that balance between the natural environment and built environment.
- Seguin has extensive Official Plan policies to protect its environment and the character of the township. These policies are implemented in Seguin's zoning by-law. Occasionally, as is the case with the Della Maestra development, landowners ignore the policies and regulations and build without consideration of the impact of that development, not only on the natural surroundings, but also on the adjacent neighbours.
- Such irresponsible action should not be allowed to stand. We believe this is the only way to discourage developers from ignoring rules and regulations in the future.

Council of the day received extensive input from neighbours, with written submissions from approximately 42 neighbours and their professional planner, and numerous oral submissions at the in-person public meeting.

On the recommendation of planning staff, Council passed Zoning By-law Amendment SR1-94 on August 25, 2014, allowing the sports court, observation deck, pillars and gateway to remain, subject

to a number of conditions – including a prohibition on a boathouse or boatport. This decision was a difficult compromise given the owner’s flagrant disregard for planning policy and by-law requirements. The neighbours did not appeal the decision, given the prohibition on any boathouse or boatport.

Current Application to Remove the Prohibition on a Boathouse

The MLA urges Council to deny the application to remove the prohibition on a boathouse for the following reasons:

1. To permit the applicant to have a boathouse reverses a key condition in a previous Council’s decision. It would ignore prior Council’s careful consideration of the circumstances and their determination of the impact of the applicant’s actions on the environment and neighbours.
2. Reversing the prohibition on a boathouse disregards the extensive and widespread objections of neighbours at the time, and would erode the public’s trust in decisions being made by Council.
3. If this application is approved, it will set a dangerous precedent for other property owners to have their zoning by-law exemptions amended to remove prohibitions. There are approximately 10 zoning by-law exemptions up to 2022, and likely more since that time, where Council prohibited a structure as a condition of the exemption – including in some cases prohibiting a boathouse. (These exemptions are listed in table 6.4 of the Zoning By-law.)
4. There have been no changes to the height or lot coverage restrictions in the Township’s Official Plan and Zoning By-law since 2014 which apply to this property. As a result, there is no policy basis to amend prior Council’s decision.

Thank you for considering our concerns.

Sincerely



Ken Pearce
Vice-President, Secretary and Director
Muskoka Lakes Association

Cc: Craig Jeffery, Clerk
Taylor Elgie, Director of Planning

Attachments: 2014 Planning Staff Report DPS-PL-2014-054 Della Maestra Rezoning/Site Plan
MLA April 7, 2014 letter