



Sent by email

April 5, 2024

Township of Muskoka Lakes
P.O. Box 129
1 Bailey Street,
Port Carling, Ontario
P0B 1J0

Attention: David Pink, Director of Development Services & Environmental Sustainability

Dear Director Pink:

Re: Objection to proposed Zoning By-law ZBA-08/24 (2784805 Ontario Inc.), 2689 Muskoka Road 118 W, Unit #3 (formerly known as Pier 100 Cottage Resort ("Pier 100"))

On behalf of the Muskoka Lakes Association ("MLA"), we are providing our thoughts concerning the above-noted application, which might be of assistance as planning staff draft their report for Planning Committee.

The MLA opposes the application to approve, among other things, "as-built" additions to numerous buildings on an undersized lot, from both a lot coverage/GFA coverage and frontage perspective.

We refer to Margaret Walton of Planscape's memorandum dated February 17, 2021 to neighbouring landowners (copy attached), wherein she states that:

"We concur with the Township's statements regarding the development options available to the property. Due to a lack of shoreline frontage, the resort is limited to maintaining and renovating what currently, legally exists."

She goes on later in the memo to observe:

"Pier 100 is a small resort property located on 7.2 acres. If the area of shore road allowance, which is not in the ownership of the resort is included, the area is 7.5 acres. The shoreline frontage on Lake Muskoka is 170 feet. It is zoned Waterfront Resort Commercial "WC1" and is in the Waterfront designation under the Township Official Plan."

"New resorts in the Waterfront designation require a minimum of 5 acres and 500 feet of shorelines frontage."

"Under current applicable zoning this would permit 3,750 sq. feet of GFA" [Zoning By-law 2014-14 limits total GFA on WC1 zoned resorts to 500 sq. ft. per each 0.4 ha of land zoned WC1.]

“Currently, according to the Township records there is 9,582 sq. feet of gross floor area (GFA) on Pier 100.”

“the property currently contains 5,882 sq. feet more GFA than would be allowed under current standards.”

She then goes on to note that the overdevelopment can continue because it was legally established under controls in place at the time it was developed. She goes on to state that:

“However, there is **no right of expansion** beyond what currently exists without an approved planning application. Any renovations that occur must be contained within the walls and height of the existing structures. The relocation of GFA is not permitted.”

There seems to be a great deal of confusion about what is legally non-compliant and what is illegally non-compliant. For example, the previous owner appears to have constructed a three bedroom dwelling/cottage (referred to as the “chalet”) in the 2015 to 2020 timeframe. It is not clear whether this structure was grandfathered. We further understand the previous owner also constructed a new dock in that time period and did so without a Building Permit, thus making that dock an illegally constructed structure that cannot be part of any grandfathering. At the time the new owner purchased in or about 2020/2021, we understand it proceeded to redevelop the property, including adding additional GFA by enclosing exterior decks to make them interior space and adding walkout basements to the 10 housekeeping units, together with sundecks, in each case, without planning approvals.

It is also unclear whether the square footage of the basement additions has been included in the GFA calculation. Our understanding is that GFA for dwellings includes all storeys, with the exception of a cellar or basement when used **solely** for the purpose of storage. Again, it is very difficult to monitor usage from an enforcement standpoint.

It appears that originally there were 10 housekeeping units/dwellings approved (Units #1-10) and the request now is to approve as-built Unit #11 (is this the chalet referred to above?) and permit three new housekeeping units/dwellings (Units #12-14) in an existing building (being the amenity building).

Lastly, the amount of shoreline frontage is another source of confusion. It is difficult to understand where the 170 ft. comes from referred to in the 2018 staff report (cited in the Walton memo) in the absence of a survey. We suggest the 2021 surveys provided by the applicant may be a better source of information. We understand they measured shoreline at 95 linear feet.

We suggest this should all be clarified.

In any event, according to the Notice of Complete Application and Notice of Public Meeting dated March 21, 2024, it is the Township’s position that the allowed GFA is 3,595 sq. ft. and the applicant is requesting 13,000 sq. ft., being an increase of 9,405 sq. ft., or 362%.

While minor increases in GFA may be contemplated in appropriate circumstances, we suggest that what is being proposed is not minor and is not appropriate. As Ms. Walton notes in her memo:

“It is my opinion that an application to increase the amount of development and add additional accommodation capacity to the resort would have little, if any, potential for approval. Sufficient shoreline frontage is a rigorous requirement to support development rights, strongly enforced by the Township and the District Municipality of Muskoka. The frontage on this property is significantly undersized.”

“An application for a minor expansion or reconfiguration for existing gross floor area (GFA) that does not increase the intensity of use and could be adequately serviced, might be approved. Such an application could be triggered by the need to address an encroachment, to improve the spacing or orientation of units or to add recreational amenities. Addition of amenities that do not increase occupancy on the site can provide more variety of activities on a site and result in reduced use of the waterfront. Therefore, these types of applications are sometimes viewed more favourably by the municipality.”

In fact, the proposed application is moving in the wrong and opposite direction, in that it proposes to convert a portion of the amenity building (office, laundry, other amenities) into three additional housekeeping units. This reconfiguration of an existing building will result in more bedrooms and actually increase the intensity of use.

Finally, given the priority placed by the Township on environmental stewardship, a site wide review and inspection of the septic system sizing, status and maintenance should be required, irregardless of the outcome of this application, to ensure that the legal and illegal construction, expansion and conversion of use that has occurred or which is being proposed at Pier 100 is supported by an appropriately sized and prudently maintained septic system.

Thank you for considering our comments.

Yours very truly,



Ken Pearce
Vice-President and Director
Muskoka Lakes Association

cc. Mayor and Councillors
Bryce Sharpe, Manager of Planning
Emily Crowder, Planner