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Corporation of the Township of Muskoka Lakes  
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August 9, 2021

Dear Chair Bridgeman and Members of the Planning Committee:

Re: Proposed Zoning By-Law Amendment 2021-68

The Muskoka Lakes Association has reviewed the Zoning By-law Amendment Application ZBA-21/21 to facilitate the redevelopment of the property located at 1363 Innisfree Road, Bala and are submitting our **objection to its approval**. The following will outline the concerns we have with this proposal.

#### **Extent of relief sought from setbacks/buffers**

The proposal seeks to reduce the setback / buffer from the high water mark by roughly half - 20 m to 10+m (66' to 33'). There is science behind the buffer widths to protect habitat, water quality and aesthetics. No justification is provided by the proponent in the planning report other than "*Although the lot is appropriately sized, it is very long and narrow with significant dual frontages, which makes it difficult to accommodate the proposed development.*"

The proponent bought the property knowing that there were constraints. The primary structure is almost 6200 sq ft so it is not the case of trying to make a more modest structure fit the site. It is time to **ask the proponent to make the development fit the setbacks and the lot**, not the other way around. The staff report seems to have adopted the Planscape rationale without question.

Further, the Planscape report suggests that "*The dwelling will be setback as far from the shoreline as possible given the right-of-way constraints through the property, and minimal vegetation will be removed*". There is no acknowledgement of that the building design, including sun decks, could be reduced to improve compliance with the buffer requirements.

#### **Lack of Consideration of other site amenities/ services**

The plans submitted are lacking in detail around other features of the site development yet have spectacular detail on the size and details of all the structures. **No septic system and estimated areal extent is shown. Neither are parking or anticipated amenity areas around the building shown.** Given the size of the structures and expected number of bedrooms, a substantial septic system can be anticipated. Given that septic systems have specific requirements, what can be expected with respect to meeting this most important setback from the lake? The staff planning report makes no mention of these as being missing from the application or potential variance requirements. The Official Plan contains policies relating to appropriate lot size to support a proposed use. Specifically, Section B.5.8

identifies that: "Waterfront lots should be of sufficient dimension and size to accommodate the use proposed, related structures, **and services** within acceptable standards.

Given the recent and unfortunate clearing at Sugarloaf Island, this proposal should be required to show the full extent of clearing and impact prior to recommendations to accept reduced setbacks.

### **Tree Clearing**

The Planscape report says that the proposed dwelling will be primarily located on the existing structure footprints, which will minimize tree removal. The photos of the site in the staff report show many mature trees interspersed with the existing development on the site. The new structure is both more extensive and wider than the existing disturbed area. No tree inventory has been completed to support the assertion of minimized tree removal.

Before the committee considers approving any variance of the setbacks, the full extent of the proposed development and unknown areas of tree clearing for septic, parking, or other amenities must be understood and then the potential impact on the shoreline character. A tree inventory and protection plan needs to be part of this application given the constraints of the lot.

### **Lot coverage**

Much is made in the report of how the proposed buildings are within the lot coverage requirements and how there is generous frontage. The lot coverage requirements are not exclusive but meant to be taken together with setbacks to guide the expectations for development on the shoreline as outlined in *OP Principles B2.4 Limiting density of building and structures in the Waterfront area is important in protecting the character of the Waterfront area. Many factors affect Waterfront character such as number of structures, setbacks, shoreline vegetative buffers, height, built size, built form, shoreline structures and historical lake development. Strict adherence to policies limiting density related to these factors is paramount.* The frontage is on 2 sides with a right of way running down the centre. In this case, the large building is much closer to the shore than for new, conforming development so regardless of conformity to lot coverage, the impact will be much more pronounced. The conventional lot coverage calculations are meaningless in this application.

### **Conclusion**

The proposal for this site is too big and too ill defined to be approved. The committee must ensure that applicants respect the setbacks by designing for the environment not making the environment fit the design. I trust these comments are helpful. Please feel free to contact me at [martin\\_downs@sympatico.ca](mailto:martin_downs@sympatico.ca) or [president@mla.on.ca](mailto:president@mla.on.ca)

Sincerely



Deborah Martin-Downs  
President