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November 10, 2021

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

Dear Chair Bridgeman and Members of the Planning Committee:

Re: Proposed Zoning By-Law Amendment Application ZBA 21/21, By-law 2021-065, Tozser

The Muskoka Lakes Association (“MLA”) has reviewed the Revised Zoning By-law Amendment Application ZBA-21/21 to facilitate the redevelopment of the property located at 1363 Innisfree Road, Unit 2, Bala and are submitting our **objection to its approval**.

The revised submission addresses none of the MLA’s concerns or Planning Committee’s directions

Our letter dated August 9, 2021 regarding the original application outlined a number of concerns with this proposal, including the extent of the relief sought from setbacks and lack of buffers, the extent of tree removal, the lack of regard for amenities and parking, and the reliance on lot coverage in isolation of all other requirements as a justification for approval.

Planning Committee made clear directions at its August 12th meeting for the applicant to reduce the footprint and eliminate the second storey, improve the setbacks, and provide floor plans to establish use since it appeared to have potential to be a multi-unit dwelling or townhouse complex.

The revised submission has addressed none of the MLA’s concerns and none of Planning Committee’s directions. The applicant has made only minor revisions to the proposal, with the footprint, height, setbacks and mass of buildings remaining the same.

The proposed expansion of the dwelling is not within the intention of the Zoning By-laws

The MLA has consulted with professional planner, Mr. Stephen Fahner of Northern Vision Planning Ltd., who noted that the proposed dwelling will be a very wide structure (approximately 180 to 200 feet, though there are no dimensions on the site plans), set back only 35 feet from the south-west shoreline. Mr. Fahner explained that the Township’s motivation for increasing the minimum setbacks over time, from 35’ to 50’, and again to 66’, was because the original setback of 35 feet was deemed inadequate for the preservation of shoreline buffer. This is also the reason for restricting expansions of existing buildings within the setback area.

Only one corner of the applicant’s existing 706 sq ft dwelling is within the 35 foot setback, yet the applicant is parlaying this into the setback for a dwelling that is 500 to 600% wider and 775% larger coverage.

The use of the existing setback for an expansion of this amount, creating a large (\pm 5,482 sq ft gfa) and wide dwelling only 35 feet from the lake, is not within the intent of the Zoning Bylaw, according to Mr. Fahner. Having this wide structure only 35 feet from the shoreline will create a situation that the setback bylaws are intended to prevent: namely, the built form dominating the natural landscape, and insufficient vegetative buffer to protect the lake's health.

Although an Environmental Impact Study was completed and submitted, no analysis of the shoreline buffer was provided. For a dwelling of this size in such close proximity to the water, this should be completed for Committee's consideration. For example, a setback of only 35 feet likely gives rise to an increased risk of silt and nutrient runoff into the lake during construction and afterward.

The southwest side of the dwelling is in substance and reality the front yard

The applicant is relying on a bylaw provision that deems the northeast side of the property to be the front yard, since the northeast frontage is the larger of the two frontages. If the front yard is on the north side of the property, the applicant is not restricted from expanding the dwelling by more than 20%.

However, since the width of the property's two shoreline frontages is virtually the same – less than 8 feet (1%) different – Mr. Fahner suggests that Planning Committee consider which side of the property is in substance the front yard. In this case, since the front of the existing dwelling faces southwest, with a road and dense forest on the northeast, the front yard is in substance and reality on the southwest side of the property. Although not technically required, Mr. Fahner has indicated that the intent of the Zoning By-law would suggest this should be done.

The potential for lot severance has not been assessed

Approval of the exemptions related to cumulative width of dock and cumulative boathouse width are based on the assumption that the lot can be severed. There is some question that proper setbacks could be provided while accommodating shoreline vegetation and septic service.

The MLA has long advocated for applicants to respect the setbacks by designing for the environment, not making the environment fit the design. We urge the Township to put this principle into practice and send a clear message to developers by denying this application in its current form.

Sincerely,



Susan Eplett
Vice-President and Chair, Government & Land Use Committee

cc. David Pink, Director of Development Services and Environmental Sustainability
Sam Soja, Planner II