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Planning Committee  
Township of Muskoka Lakes  
1 Bailey Street  
P.O. Box 129  
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October 13, 2021

Dear Chair Bridgeman and Planning Committee Members,

**Re: Agenda Item 5.a.1 –  
ZBA-60/17, By-law 2021-156, B/70/17/ML, Givertz,  
South Part of Rose Island, Lake Joseph (Medora), Roll #4-24-024**

The Muskoka Lakes Association (MLA) has had the opportunity to review the report from the Manager of Planning, Mr. Bryce Sharpe, regarding a consent/severance application (B/70/17/ML), and a zoning by-law amendment application (ZBA-60/17) to create one new lot (plus one retained lot) fronting onto Lake Joseph, to grant a right-of-way for construction access, and to provide certain site-specific zoning by-law exemptions.

We appreciate this opportunity to offer the following comments on these applications:

- 1. The proposed lot severance will create a steeply sloped property which is not suitable for residential development because it will require extensive blasting and site alteration to create flat surfaces for buildings and a septic system. This degree of site alteration will cause destruction to the character of the waterfront on this property and is contrary to the District and Township Official Plans.*

The construction of residential buildings and a septic system will require extensive blasting and site alteration on the proposed new lot because the rocky shoreline slopes steeply from the waterfront ( $\geq 20\%$  to  $>40\%$  according to the staff report). Our community's outcry over the destruction that has already occurred on Sugarloaf Island demonstrates that they oppose the type of environmental destruction that would result from approving the severance.

The District of Muskoka Official Plan states: "Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas, panoramas, landmarks, and other similar features shall be conserved to the extent feasible. New development shall generally be located and designed to protect these characteristic features unless the development serves a greater long-term public interest." (s. J4.3 (h)) (emphasis added).

The Township's Official Plan states that the Goals of the waterfront policies are: "to protect the character of the waterfront" (s. 3.1). The Principles state: "The waterfront is a unique resource and land use. As such, development, including lot creation, should occur only after careful consideration of those .. environmental .. and aesthetic qualities which contribute to the attraction of the waterfront and shared enjoyment of its lakes and rivers."

If committee decides to approve the lot severance, the MLA supports staff's recommendation that buildings and septic systems be set back at least 100' from the lake, so they are located on a more level plateau, and that the existing slope be re-naturalized.

2. *The applicant received five zoning by-law exemptions in September 2020, where the large lot size and number of buildings were relevant factors. Severing the lot calls into question these previous exemptions.*

In September 2020, Council approved Bylaw 2020-76 exempting the applicant from five zoning requirements relating to cumulative dock width, cumulative first storey boathouse width, sleeping cabin area, number of sleeping cabins (allowing one extra) and front yard setback of a sleeping cabin.

The video recording of the August 13<sup>th</sup>, 2020 Planning Committee meeting where this application was considered shows that the applicant and their planner, Stefan Szczerbak of Planscape, relied on the large lot size and frontage and the fact that there was not going to be any increase in the number of buildings on the property, to justify the exemptions.

For example, Mr. Szczerbak asked committee to consider the size of the island and the size of the lot in terms of frontage and area. He noted that the property is unique because it is unusually shaped and has two distinct and large shoreline frontages. He stated that because of the extra frontage there is language in Township policy that allows committee to contemplate additional width of docks and shoreline structures if there is severance potential.

As the large lot size and number of buildings were factors introduced by the applicant as reasons for being granted relief from the zoning bylaw requirements, subdividing the lot calls into question the validity of the previous exemptions.

3. *We support Staff's recommendation to deny approval for a new construction access road.*

The applicant proposed an excessively wide (20') construction road running approximately 525' in length. It would need to be even longer when extended to the building area on the severed lot. The proposed location would require blasting a steep slope from the west side of the island and cutting large numbers of trees across a forested area of 10,500 square feet (20' x 525').

We support Staff's recommendation that a consent agreement be entered into with the applicant requiring only the use of the existing construction road, and additional terms suggested by Staff to protect the site such as: no new construction roads; removal of unutilized excavation material off-site and remediation of the site in accordance with a plan prepared by a qualified environmental consultant acceptable to the Township, with the inclusion of securities.

4. *A lot severance should not be granted unless the applicant proves that mainland parking/docking has been secured, as required by the Official Plan*

As we stated in our letter to Planning Committee on July 14, 2021 regarding an application to subdivide Meda Island, there are important policy reasons for ensuring that new water access lots satisfy the requirement in Official Plan B.5.24(d) that 'adequate long-term parking and docking facilities are secured'. In addition, the parking issues at Beaumaris and Marina Road (Walkers' Point) demonstrate the disruption that can result from insufficient mainland parking for water access properties.

We urge committee to require that the applicant provide evidence of secured, long-term mainland parking and docking facilities before approving any lot severance.

5. *There has already been blasting on the proposed new lot, apparently without permission.*

The Township's media releases on June 22<sup>nd</sup> and 25<sup>th</sup> indicate that the Township has issued a Stop Work Order and remediation order against this property requiring 'the submission of a satisfactory remediation plan of disturbed areas'. It is surprising that the applicant is requesting relief from the Township before these enforcement proceedings have been resolved. We recommend that committee consider the legal implications for the Stop Work Order and remediation order proceedings if this application is approved.

We hope that these comments will be helpful as you consider this application.

Sincerely,



Susan Eplett

*Vice-President and Chair, Government and Land Use Committee*

cc: David Pink, Director of Development and Environmental Sustainability  
Bryce Sharpe, Manager of Planning