

Sent by Email

August 25, 2022

Township of Muskoka Lakes
1 Bailey Street,
Port Carling ON
POB 1J0

Attention: Director Pink, Mr. MacDonald and Planning Committee

Dear Director Pink, Mr. MacDonald, Chair Bridgeman and Planning Committee Members,

Re: Policy regarding how to measure frontage needed in the proposed Official Plan

Muskoka Lakes Association and Friends of Muskoka have learned of a recent Ontario Land Tribunal decision for a property located at 1725 Brackenrig Road in the Township of Muskoka Lakes. While the Township has been very consistent in requiring 90 metres of frontage on Category One lakes for two-storey boathouses for many years (with some very minor exceptions), the OLT decision refers to a deficiency in the Township's current Official Plan.

An appeal was filed with the Ontario Land Tribunal by Brackenrig Road Partners Inc. on the basis that no decision was made within legislated timelines (90 days) under the *Planning Act*. The appellants and Township reached a settlement and that was heard on June 29, 2022. A decision was issued on July 18, 2022 for the Case No: OLT-22-002815.

The appellants had applied for a Zoning By-Law Amendment to permit a two-storey boathouse on property with only 263 feet of frontage according to the Township Staff Report. The Tribunal approved the settlement which permits construction of a two-storey boathouse.

Section 19 of the decision states: **[19] "For the boathouse, there is no Official Plan policy related to how to measure frontage and a survey was produced illustrating 330 feet of actual assessed frontage."**

The term frontage is used 73 times in the June 28, 2022 draft of the proposed Official Plan, yet there is no direction as to how it is to be measured. We understand that frontage is customarily defined in a Comprehensive Zoning By-Law and that frontage for planning applications — especially important in waterfront areas — is measured as a horizontal straight-line frontage between two side lot lines, not a walked frontage that might appear on a survey or on a property assessment from MPAC. The straight-line distance is the appropriate method of measurement in the waterfront to prevent built form dominating the natural landscape. Of course, there are different provisions for a point or peninsula. Given increased frontage

requirements for new lot creation proposed in the June draft, it is imperative that this issue be cleared up.

In light of the recent OLT decision, we recommend that there needs to be a clear explanation of how frontage is measured in the Official Plan. The term might best be defined in N15.5 Definitions of the Draft Official Plan in order to remove any confusion. We suggest the following:

“Frontage (in bold): has the meaning and is measured as set forth in Comprehensive Zoning By-law 2014-14, Section 11.93 under the heading Lot Frontage, as it may be amended from time to time, and not the assessed frontage.”

Thank you for your consideration,



Susan Eplett
President,
Muskoka Lakes Association



Laurie Thomson
President,
Friends of Muskoka