

Sent by email

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

March 21, 2023

Attention: Planning Committee

Dear Chair Bosomworth and Members of the Planning Committee:

**Re: Proposed Zoning By-Law Amendment ZBA-46/22, By-Law 2022-159 SIFFT**

The Muskoka Lakes Association (“MLA”) has reviewed Zoning By-law Amendment Application ZBA-46/22, By-Law 2022-159 SIFFT to facilitate the redevelopment of the property located at 1155 Hamills Point Road. The following will outline our comments and concerns with this proposal, including comments made by Ken Pearce on behalf of the MLA at the January 20, 2023 Planning Committee meeting.

We observe that the lands which the applicant owns are actually two parcels, separated by the Township’s public roadway, Hamills Point Road. Each parcel could be sold separately in future. The two parcels consist of a narrow sliver of shoreline on Roberts Bay, Lake Joseph and a separate backlot. A decision was deferred at the applicant’s request during the January 20, 2023 Planning Committee meeting.

OMB Approved By-law 2021-21

In 2001, the Ontario Municipal Board (now the Ontario Land Tribunal) approved By-law 2001-21 to deem the waterfront and backlot parcels to be one lot for planning purposes. That by-law, still in effect, allowed the two parcels to be deemed as one for planning, but it: prohibited a two-storey boathouse; limited the maximum permitted width of a single-storey boathouse to 24 feet; restricted where the dock and single-storey boathouse could be located; and limited the maximum permitted cumulative dock width to 50 feet.

Exemption for a Two-Storey Boathouse

Private Sewer Line Under a Public Road

The January 20, 2023 Staff Report PLAN-2023-14 notes with respect to any boathouse containing plumbing that: “The Township’s Public Works Department has advised that a License Agreement with the Township would be required to place private sewer lines within the

municipal road allowance and Public Works staff have **strongly** recommended against approval of such an Agreement.” [emphasis added]. We concur and support the Public Works recommendation.

### Plumbing in the Boathouse

The Ontario Building Code requires a private sewage system to be wholly located on the same lot as the building it serves. If a building is to be served by a sewage system located on a separate lot, the authority regarding communal sewage works is transferred to the Ministry of the Environment, Conservation and Parks (MECP). MECP approval and a License Agreement with the Township to locate services beneath a public street would be required prior to the issuance of a Building Permit for a boathouse containing plumbing. This is a cumbersome mechanism and risks limiting oversight of any private sewage line on the part of the Township at a time when we have been enhancing septic system inspections to protect Lake System Health. We fully support the Township’s Development Services Division which has advised that **staff could only support the application if the proposed boathouse will not contain plumbing.** [emphasis added]. We request that, if Planning Committee approves the application, there be a prohibition on installing any plumbing in the boathouse structure.

It has been a long-standing, fundamental policy of the Township, that there may be only one “dwelling” on a waterfront property. There is also provision for one sleeping cabin of up to 650 square feet, provided that it does not contain a kitchen. The drawings submitted by the applicant described a two-storey, eight room boathouse containing six rooms with plumbing/plumbing fixtures, with at least nine fixtures: (1) second storey of boathouse with: (i) full bathroom (sink, toilet and shower); and kitchen (sink); and (2) main floor of boathouse with: (i) sauna; (ii) utility room (pump and hot water tank); (iii) bathroom (sink and toilet); and (iv) bar (sink).

We suggest that it is somewhat disingenuous of the applicant’s agent to state that the drawings were mislabeled and that the kitchen is not a kitchen at all, perhaps a kitchenette and that it will not contain any cooking facilities.

Subject to very limited exceptions, habitable space in the main floor of a boathouse is prohibited. A bar, including a wet bar, is prohibited. Again, we suggest it is rather disingenuous of the applicant’s agent to state that the drawings were further mislabelled and that the wet bar is, in fact, a fish cleaning station (which is permitted). While the adopted Official Plan has enabling language allowing a future Council to permit some recreational space in the lower level of a boathouse in a future Comprehensive Zoning By-law, no such permission exists in the current Comprehensive Zoning By-law.

### Potential Future Sale of Lots Separately

A habitable two-storey boathouse on the waterfront parcel augments the potential for a future separate sale of the lakefront parcel. Should a future sale and transfer occur, this would result in servicing issues, as the owner of the backlot would control servicing of the lakefront lot's building. Also, because of the slope from the backlot containing the dwelling and septic service down toward the lake, shoreline vegetation must be retained in its current state, protected by an appropriate legal undertaking from the owner of the lakefront lot.

### The MLA Request

We concur with staff's recommendations of January 20, 2023 to defeat exemptions from Section 2 v) of By-law 2001-21 and request that Planning Committee **deny the request to allow a two-storey boathouse.**

### Exemption for Increased Boathouse Width and Setbacks from the Road Allowance

While we have no issue with the maximum total width of dock at 50 feet as provided in By-law 2001-21 Section iv), we also request that any increase to the maximum permitted boathouse width beyond 24 feet be minor in nature and be accompanied by an agreement to remove the existing floating dock.

The Staff Report notes with respect to the request for reduced setbacks from the road allowance for the dock and boathouse that: "The Township's Public Works Department has advised that compliance with the minimum setback requirement of 25 feet would be preferred if possible. Reductions in setbacks from the road allowance can present future maintenance issues including increased costs associated with tree maintenance." The applicants are asking for road allowance setback reductions of 15 feet for the dock and 5 feet for the boathouse. If the second storey of the boathouse is denied, the reduced setbacks from the road allowance for the dock and boathouse, while not preferred, may be deemed acceptable in these circumstances where the narrowness of the lot makes it impossible for the dock to comply.

Additionally, we recognize that there is Type 1 (significant) fish habitat that supports smallmouth bass spawning. Any construction should minimize lakebed disturbance in the near shore. We also note that there will likely be ongoing disturbance after construction is complete from boats' props as watercraft go in and out and stir up sediment. While height of the structure may not be material to fish spawning, the only way to minimize disturbance to lake bottom habitat is to limit the size of the dock and boathouse footprint.

### Sleeping Cabin above Future Garage on Backlot

We note plans for a potential future garage and suggest that a second storey on that structure provides a more suitable location for a sleeping cabin than in the second storey of the boathouse. Having the sleeping cabin above the future garage would help ensure compliance with Official Plan Policy Section B.5.4 (Waterfront – General Development Policies – Character) stating: “where development occurs in the Waterfront, it should complement the natural and built form and should enhance and protect those qualities that contribute to character.”

## Conclusion

We request that:

- a) the OMB prohibition regarding a two-storey boathouse be upheld so that the built form does not dominate the natural environment and so that water quality and fish habitat are protected;
- b) plumbing be prohibited in any single-storey boathouse and the Township not enter into any License Agreement permitting septic lines running under Hamill’s Point Road; and
- c) if Planning Committee approves an increase in the width of the boathouse beyond the OMB approved 24 feet, that it be minor in nature to minimize disturbance of fish habitat, and that it be approved conditional on removing the existing dock.

In light of the fact that a significant number of Councillors voiced support for prohibiting any plumbing in the boathouse, we request that clear direction be given by elected officials if there is to be any negotiation by staff of a License Agreement permitting a private sewer line under the public road.

Thank you for this opportunity to comment and for your ongoing commitment and dedication to protecting Muskoka’s natural environment and character.

Sincerely,



Susan Eplett  
President

cc: David Pink, Director of Development Services and Environmental Sustainability  
Ken Becking, Director of Public Works