

MLA Delegation re Tozser ZBA Application – Nov 11, 2021

Thank you Chair Bridgeman and Committee members,

My name is Susan Eplett [address] and I appreciate this opportunity to explain why the Muskoka Lakes Association objects to this application.

You may recall that the MLA submitted a letter to you when you first considered this application in August, and had a number of concerns about the setbacks, the lack of buffers, the amount of tree removal, and the lack of information about tree clearing for septic, parking or other amenities. Although much was being made of how the proposed buildings were within the 10% lot coverage, we pointed out that the Township's lot coverage calculation assumes that setbacks and buffers are complied with, which is not the case here.

The applicant has brought back to committee a revised plan that addresses none of the MLA's concerns. And what's even more disturbing is that the applicant has not addressed any of the directions that Planning Committee gave when it deferred this application in August. There is no reduction in the footprint or elimination of the second storey, no improvement to the setbacks, and no floor plan.

Because of the MLA's concern with this application and the negative precedent it would set for development within the setback area, we consulted with professional planner, Mr. Stephen Fahner of Northern Vision Planning. Mr. Fahner has given me permission to explain his comments to you.

Mr. Fahner reviewed the plans, and concluded that the proposed expansion of the existing small dwelling is not within the intention of the zoning by-laws. Only one corner of the existing 700 square foot dwelling is within the 35 foot setback, yet the applicant is parlaying this into a 35 foot setback for a dwelling that is 500 to 600% wider and has 775% greater coverage.

Having a large, wide dwelling like this only 35 feet from the shoreline will create the exact situation that the setback bylaws are intended to prevent, which is a built form dominating the natural landscape, and insufficient vegetative buffer to protect the lake's health. Mr. Fahner also pointed out that no analysis of the shoreline buffer was provided, as it should be for a dwelling this large and this close to the water where there is increased risk of silt and nutrient runoff into the lake both during construction and afterward.

As you know, this property has two frontages, and the applicant is relying on a bylaw that deems the northeast side of the property to be the front yard since the northeast frontage is the larger of the two frontages. However, since the two frontages are virtually the same – less than 8 feet (or 1%) different -- Mr. Fahner suggests that committee focus on which side of the

property is in substance the front yard. He explains that the intent of the zoning by-law is to look at the substance of how the property is used. For this property, the dwelling faces southwest – which make sense given that's where the sun sets – and the road to access it is on the northeast side along with a dense forest. It is clear that in substance the front yard is on the southwest side of the property. And this means that the applicant should be restricted from expanding the dwelling by more than 20%.

In terms of the District's position, their staff has commented that the shoreline setback would remain effectively the same. However, they haven't recognized that the proposed dwelling will be significantly larger and will have a significantly greater impact than the current dwelling. In addition, they only commented on whether the proposal conforms to the District's Official Plan; District staff is not in a position to comment on the Township's zoning by-laws where the detailed setbacks and buffer requirements are set out. Township Council, not the District, has authority to determine whether this proposal complies with the Township's zoning by-laws and to approve this application or not.

Finally, the request for an exemption to cumulative width of the dock and boathouse are based on the assertion that the lot can be severed. However, given the shape of this property, it is questionable whether a severance could result in proper setbacks and enough area for adequate shoreline vegetation and septic service.

The MLA remains convinced that the proposal is too big for this site and too ill defined to be approved. We request that you deny this application in its current form, and ensure that the applicant alters the design to respect the setbacks and fit the natural environment of this property.