



Town of Huntsville Staff Report

Meeting Date: April 13, 2022

To: Planning Committee

Report Number: DEV-2022-63

Confidential: No

Author(s): Richard Clark, Manager of Planning

Subject: Z/09/2022/HTE - Hutcheson - 9 Elm Street

Report Highlights

Staff review and recommendation to the Planning Committee respecting Zoning By-law Amendment Application Z/09/2022/HTE.

Recommendation

That: Planning Committee recommend DENIAL of Zoning By-law Amendment Z/09/2022/HTE, the purpose and effect of which is to rezone the property from a Residential Three (R3) Zone to a Residential Three with Exception (R3-Exception) Zone to:

- permit expansion to an existing boathouse with attached dock within a boathouse prohibited area,
- increase the maximum permitted accessory lot coverage from 5% to 8%,
- increase the maximum permitted projection for a dock and boathouse from 10m to 11.6m; and
- increase the maximum number of enclosed or roofed accessory buildings and structures from 1 to 2 for a 100m² boathouse and a 160m² detached garage.

Background

Purpose and Effect:

The applicant is proposing to replace an existing 64.8m² legal non-conforming and non-complying boathouse with 30.6m² attached dock with a new larger, 100m² boathouse and 57.8m² attached dock within the same general area. The new boathouse and dock would project further into the water than the existing, and be reoriented such that slips would face outwards into the Muskoka River. The applicant also proposes to demolish the existing 70.6m² legal non-complying detached garage and construct a new 160m² detached garage. To facilitate this development, the application seeks zoning relief to:

- permit a 100m² boathouse within a boathouse prohibited area;
- increase the maximum accessory lot coverage from 5% to 8%;
- increase the maximum permitted projection for a dock and boathouse from 10m to 11.6m; and

- increase the maximum number of enclosed or roofed accessory buildings and structures from 1 to 2 for a 100m² boathouse and a 160m² detached garage.

Site Characteristics and Surrounding Uses:

The subject lot has an area of approximately 3,960m², with 52.5m of frontage on the Muskoka River. The lot is developed with a 70.6m² garage, 9.3m² metal shed, and a 64.8m² boathouse with 30.6m² attached dock; which is shared with the neighboring lands to the south. The lands are well vegetated and slope downwards towards the shoreline of the river. The surrounding uses are urban shoreline residential and residential in nature.

It should be noted that boathouses are prohibited in this area of the Muskoka River under Section 3.1.18.7(c)(ii) in the Town's Zoning By-law, making the existing boathouse legal non-conforming. Since the Zoning By-law also contains provisions that prevent construction of accessory structures prior to the principal building on a property, and the garage encroaches within applicable rear yard setback requirements, the boathouse and garage are also considered legal non-complying structures.

Location: Part Lot 14, Concession 1, Chaffey, designated as Part 1 on Plan RD-920

Previous/Current Files: None

Natural Constraints: Flood Prone Lands, Steep Slopes with Between 20-40% Gradients

Human Constraints: Non-operating Non-municipal Waste Disposal Site, Boathouse Prohibited Area

Official Plan: Urban Shoreline Residential

Zoning: Residential Three (R3)

Access: Elm Street (Year Round Urban Collector Road)

Servicing: Municipal Piped Sewer and Water Services

OSRA Status: None

Technical Background Report(s):

- D-4 Assessment, prepared by Azimuth Environmental Consulting Inc., dated February 2022; and
- Fish Habitat Assessment, prepared by Riverstone Environmental Solutions Inc., dated September 12, 2021.

Discussion

Huntsville Official Plan:

The subject lands are designated "Urban Shoreline Residential", which extends from Hunter's Bay, along the Muskoka River through the Downtown Area to the northwest shoreline of Fairy Lake. Within this area, a mix of housing types is anticipated, with both low and medium densities permitted (C3.4.1).

According to policies contained in Section C3.4.6 of the Official Plan, boathouses are not permitted in the Urban Shoreline Residential designation between the railway bridge crossing the Muskoka River and the furthest easterly extent of the designation on Fairy Lake. This Boathouse Prohibited Area is illustrated on Schedule B-1 of the Official Plan. Generally speaking, fully-enclosed, roofed shoreline structures that project out over the river are prohibited in this high-traffic, high-density narrow urban waterway to help control visual impacts, prevent overcrowded conditions and avoid boating hazards.

Expansion of legal non-conforming structures can be deemed to conform to the intent of the Official Plan if in accordance with policies in Section F1.4.17 & F1.4.18. These policies identify that certain legal non-conforming uses can be approved to continue and expand provided the expansion is to prevent undue hardship. Further, it must be demonstrated that the expansion will not permit any

change of use or regulation that will aggravate the existing situation; be incompatible or detrimental to abutting uses; be unreasonable in proportion to the existing use and the land on which it is located; or interfere with the desirable development of adjacent areas. In this instance, the relevant criteria for expanding a legal non-conforming structure appears not to have been addressed. No hardship appears to exist to warrant an expansion to this non-conforming boathouse. Its dilapidated condition and desire for more on-water storage would not be suitable justification in this regard. As boathouses are explicitly prohibited as a design requirement for development to help achieve compatibility in this location, this development would result in incompatibility and be undesirable. Finally, the expansion could make an existing situation worse by reorienting slips outwards into the river and increasing the projection of the structure further in the same direction.

Similar to legal non-conforming structures, expansion of legal non-complying structures may also be considered under certain circumstances, as outlined in Section F1.4.20 of the Official Plan. These criteria generally require that the additions avoid increasing the extent of non-compliance and the amount of floor area in a required rear yard or setback area. The criteria also require that the expansion meet the relevant policies in the Official Plan, comply with any other applicable zoning provisions, and not result in threats to public health or safety or further impair water quality. Respecting the boathouse, which includes an increased overall footprint for the boathouse and dock, additional height, greater projection into the river, and a reorientation of boat slips outwards into the river, this expansion cannot meet the relevant policies in the Official Plan as the boathouse is located in a boathouse prohibition area explicitly identified in Official Plan. Further, the expansion will increase non-compliance for this structure as the boathouse and docks are larger in comparison to what is existing and this new larger structure will project further into the river than would be permitted as-of-right for docks in this area.

To demonstrate that the boathouse is outside Type 1 Fish Habitat, a Fish Habitat Assessment (FHA), prepared by RiverStone Environmental Solutions, was submitted. Based on the site conditions and characteristics described, the report notes that the shoreline in front of the property should be considered Type 2 Fish Habitat, providing general feeding and movement habitat for a variety of fish species. Providing appropriate mitigation measures recommended in the report are implemented and the shoreline is maintained in a natural vegetated state, the author concludes that the potential impacts of the development on this habitat would be minimal. Notwithstanding the author's conclusions, it is noted that the plans contained in the report differ from the plans provided in support of the application with respect to the extent of development in the shoreline area. To illustrate, the overall site plan sketch submitted in support of this application and Figure 2 from the FHA are appended to this Report as Attachment #s 2 and 3 respectively. As can be seen in Attachment #2, one of the two slips proposed through this development may intersect with a portion of the shoreline; implying shoreline excavation and dredging could be necessary in relation to this proposal. Unfortunately, no detail was noted in this regard within the assessment provided and no additional information was provided to provide clarity with respecting to the extent of potential impacts at the time of writing of this Report.

Respecting the detached garage proposed adjacent to Elm Street, it is proposed to be resized; but also relocated into a more appropriate location on the lot; outside the Elm Street Right-of-Way and compliant with the rear yard setback requirements for detached garages. Further, an existing non-complying metal shed will be removed to accommodate the garage, which will reduce the number of non-complying structures on the lands from three (3) to two (2). Given that it will be an improvement over the existing condition, staff would have no objection with the proposed relocation and expansion of the existing non-complying detached garage if this was the only development proposed through this application.

District of Muskoka Official Plan

The lands are included in the "Urban Centre" designation. District staff have no concerns with the proposal, as noted in comments contained in Attachment #7.

Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) applies to this proposal. The PPS contains policies relating to wise use of resources which include provisions restricting development adjacent to sensitive hydrologic features, natural heritage features, wildlife habitat, and natural hazard areas. The submitted Fish Habitat Assessment indicates that the proposed development can occur without impacting or disturbing fish habitat provided sedimentation erosion control measures are implemented during construction and naturalization of the shoreline buffer occurs. However, the study appears not to have taken into consideration that one of the two slips proposed through this development may intersect with a portion of the shoreline; implying shoreline excavation and dredging could be necessary in relation to this proposal. As this was not noted in the assessment, it has not been adequately demonstrated that relevant provincial policies are addressed.

Summary

The proposal would appear not to conform to the Town Official Plan nor be consistent with the Provincial Policy Statement.

Options

Committee could recommend approval of the application; however, that is not recommended as it would appear not to conform to the intent of the Official Plan nor be consistent with the Provincial Policy Statement.

Committee could recommend approval of the application to permit an expansion to the legal non-complying detached garage and not the boathouse. Should this option be preferred a site specific zone exception could be added to the existing Residential Three (R3) to increase the maximum permitted accessory lot coverage from 5% to 6.45% and increase the maximum number of enclosed or roofed accessory buildings and structures from 1 to 2 for an existing 64.5m² boathouse and a 160m² detached garage; all to permit the expansion of a legal non-complying detached garage structure only.

Council Strategic Direction / Relevant Policies / Legislation / Resolutions

Strategic Plan

Natural Environment & Sustainability Goal 2.2: Integrate sustainability principles into planning & development policies and processes.

Communications Goal 1.4: Awareness - to increase awareness of Town Services and events.

Communications Goal 2.1: Community engagement - increase opportunities for public engagement.

Unity Plan

Social Considerations

Goal 6: Social well-being: The community will encourage and support social diversity and personal sense of well-being by improving accessibility, promoting volunteerism, striving to reduce poverty, and maintaining a healthy, safe, friendly community to live, work, and play for all ages, cultures and abilities.

Goal #5 Land Use Planning: Huntsville will become a model of sustainable community development, by incorporating the principles of smart growth, sustainable design and green buildings into all land use planning decisions. This will include a commitment to the protection and maintenance of Huntsville's rural small town character and vibrant downtown, both of which are valued by the community.

Environmental Considerations

Goal 1: Environmental Protection: The community will protect, preserve, restore, and enhance the terrestrial and aquatic environments and biodiversity of Huntsville and surrounding area by being responsible stewards of the environment.

Relevant Policies/Legislation/Resolutions

Provincial Policy Statement
Planning Act, R.S.O. 1990, cP.13
District of Muskoka Official Plan
Town of Huntsville Official Plan
Zoning By-law 2008-66P, as amended

Attachments

[Attachment #1: Location Map](#)
[Attachment #2: Sketch](#)
[Attachment #3: Boathouse](#)
[Attachment #4: Elevations and Renderings](#)
[Attachment #5: Garage](#)
[Attachment #6: Site Photos](#)
[Attachment #7: District Comments](#)
[Attachment #8: Letters of Support](#)

Consultations

The application was circulated to the Fairy Lake Association and in accordance with the provisions of the Planning Act.

Three (3) letters of support and no objections or concerns have been received. The letter of support is attached as Attachment #8.

Building staff noted a concern with respect to the apparent dredging, which was not noted in the Fish Habitat Assessment provided. As noted by Building, any proposed dredging should be reviewed and approved by MNDMNRF staff.

Respectfully Submitted: Richard Clark, Manager of Planning

Manager Approval (if required): _____

Director Approval:

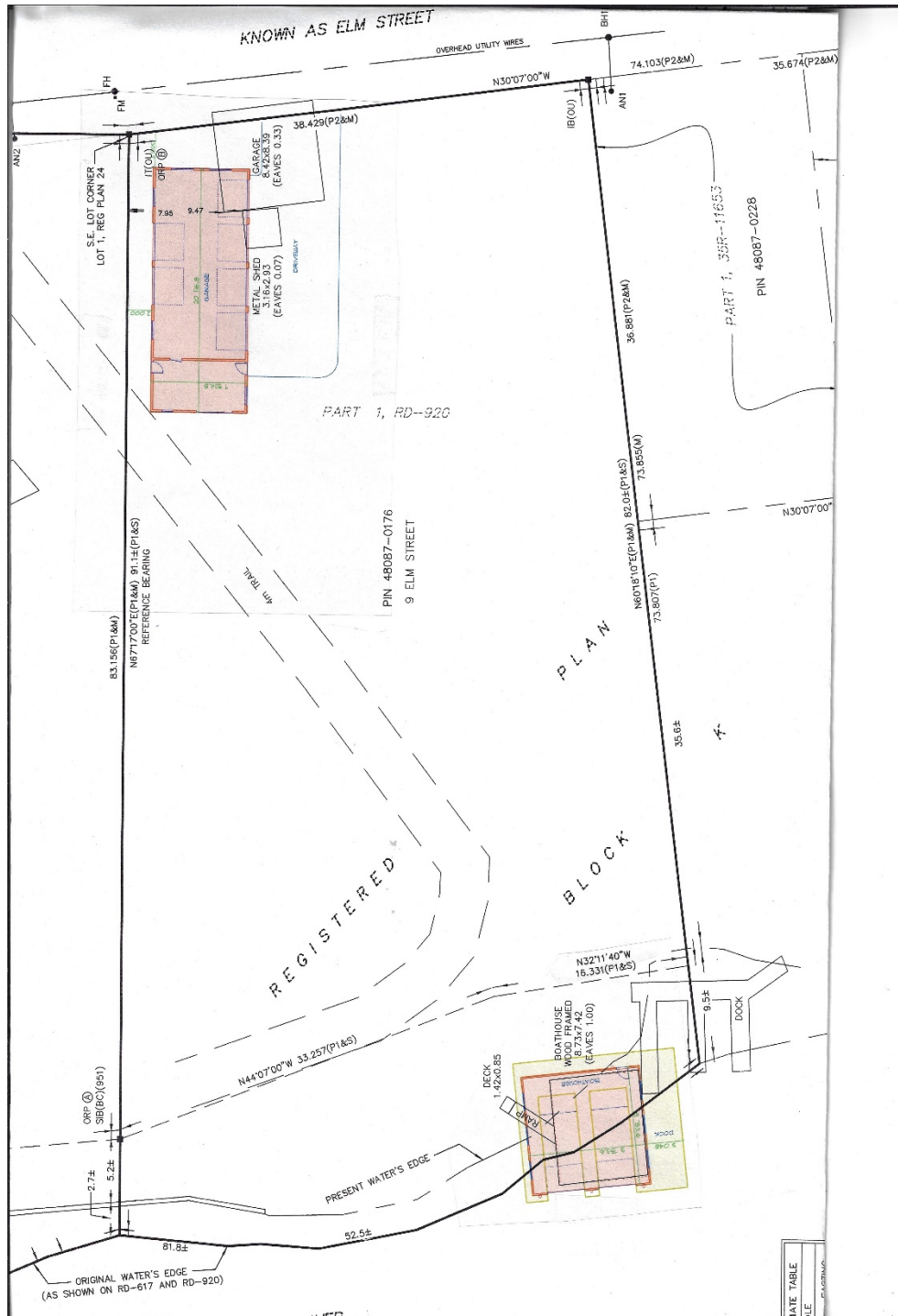
Kirstin Maxwell, Director of Development Services

CAO Approval:

Attachment #1: Location Map



Attachment #2: Sketch



Attachment #4: Elevations and Renderings



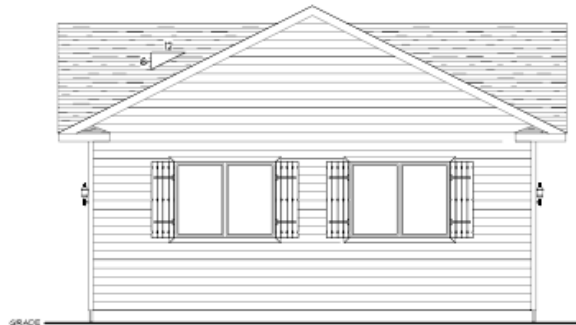
BLAKE HUTCHESON
DATE: MARCH 2021

PROPOSED BOATHOUSE PLAN
SCALE: PRELIMINARY PLAN FOR REVIEW

PREPARED BY:
KERRY BICE DESIGN



SOUTH ELEVATION



EAST ELEVATION (ROADSIDE)

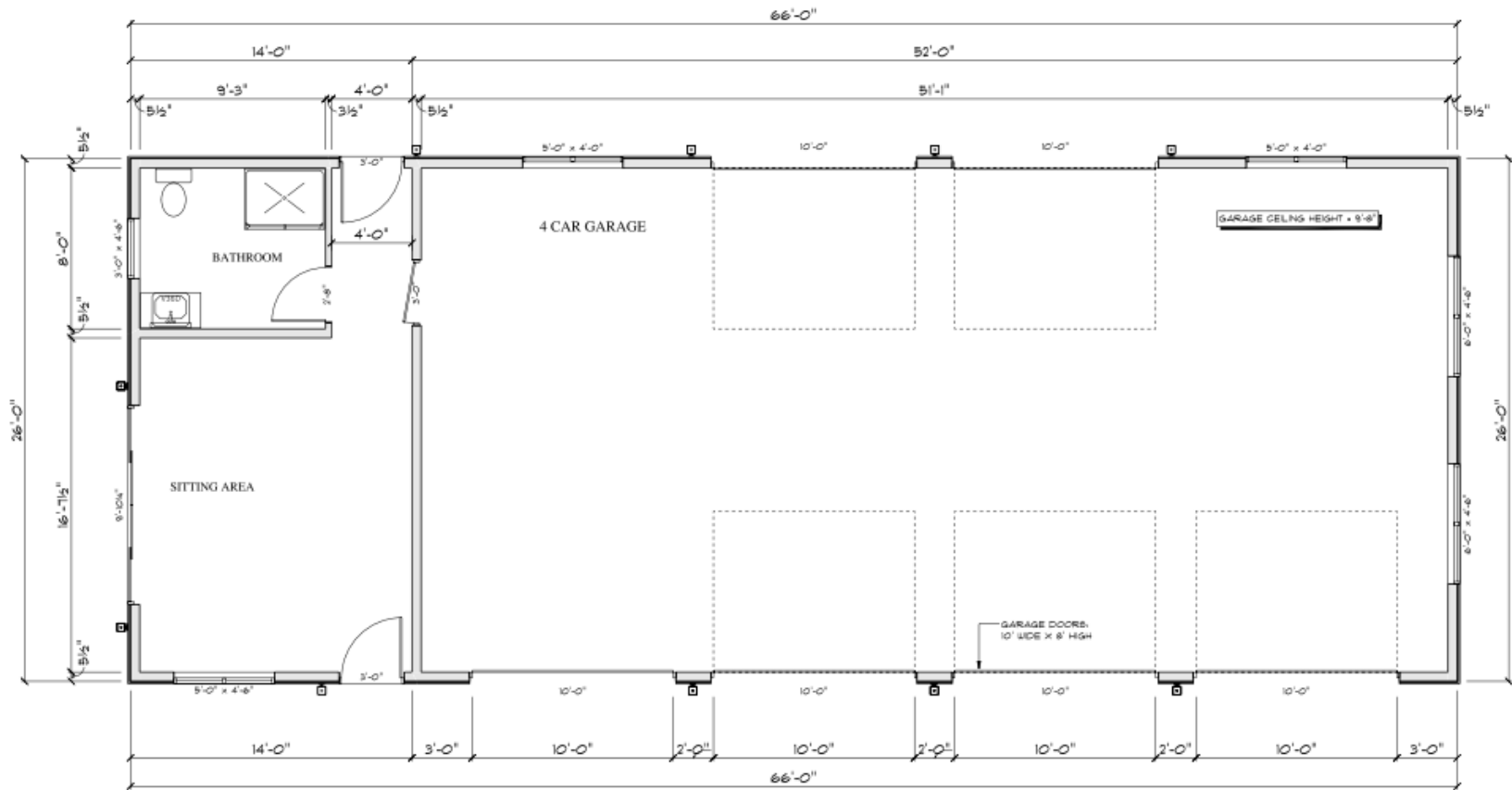


BLAKE HUTCHESON
DATE: MARCH 2021

PROPOSED GARAGE PLAN
SCALE: PRELIMINARY PLAN FOR REVIEW

PREPARED BY:
KERRY BICE DESIGN

Attachment #5: Garage



BLAKE HUTCHESON
DATE: MARCH 2021

PROPOSED GARAGE PLAN
SCALE: PRELIMINARY PLAN FOR REVIEW

PREPARED BY:
KERRY BICE DESIGN

Attachment #6: Site Photos

Photo 1 – View of Boathouse facing South.



Photo 2 – View of boathouse and docks facing North-East.



Photo 3 – Close view of boathouse at shoreline.



Photo 4 – Existing detached garage.



Photo 5 – Existing detached garage looking East.



Photo 6 – View of Boathouse from Town docks



Attachment #7: District Comments



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING – ZONING AMENDMENT

LANDS AFFECTED: 9 Elm Street, also known as Part 1, RD-920

TAKE NOTICE that the Planning Committee of the Town of Huntsville will hold a virtual public meeting concerning an amendment to Zoning By-law 2008-66P, as amended.

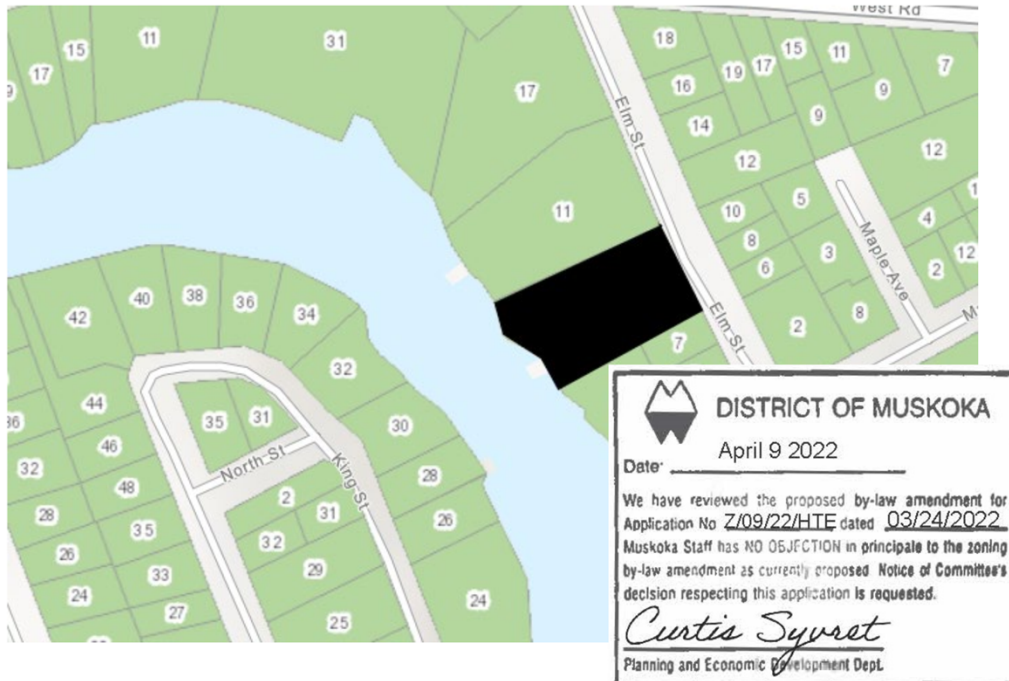
MEETING DATE: Wednesday, April 13th, 2022

APPLICATION NO.: Z/09/2022/HTE
(Hutcheson)

TIME: 1:00 P.M.

LOCATION: This public meeting will be held as a virtual meeting using a ZOOM Webinar format. A link to the virtual public meeting and participation instructions are posted at www.huntsville.ca/PC.

PURPOSE AND EFFECT: The applicant is proposing to rezone the lot from a Residential Three (R3) Zone to a Residential Three with Exception "xxxx" (R3-XXX) Zone to permit the re-development and expansion of a non-conforming boathouse and detached garage, increase the dock projection from 10m to 11.6m on the Muskoka River in the Huntsville Urban Area, and increase accessory lot coverage from 5% to 8%.



Members of the public wishing to comment are strongly encouraged to make a written submission any time prior to the meeting by emailing planning@huntsville.ca, or via mail. Members of the public wishing to make oral submissions to the Committee may do so during the ZOOM Webinar. Please contact the Town's Planning Department using the contact information provided at the end of this notice to discuss participation arrangements if necessary.

IF YOU WISH TO BE NOTIFIED of the decision of Council on the proposed zoning by-law amendment, you must make a written request to the Town of Huntsville (see address below).

IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Planning Committee or Council before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Planning Committee or Council before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

FOR MORE INFORMATION about this matter, contact the Town of Huntsville Planning Department:
37 Main St. E, Huntsville, ON. P1H 1A1

IN-PERSON: 8:30a.m. to 4:30p.m.
TELEPHONE: (705) 789-1751 (Ext. 2257).
EMAIL: planning@huntsville.ca
WEBSITE: www.huntsville.ca

Date of Notice: March 24th, 2022

Attachment #8: Letters of Support

April 1st, 2022

The Corporation Of The Town Of Huntsville
37 Main St E
Huntsville Ontario
P1H 1A1
Atten: Planning Committee

To whom it may concern,

Re planning Consent / 9 Elm Street / Hutcheson

We would like to share with you our opinion in regard to the application and plans for 9 Elm St. We own a home at [REDACTED] across the river from the Elm Street property. We believe that both the new boathouse and garage will improve the image of the property and will be a welcome improvement to the downtown area.

Please do not hesitate to contact us if you have further questions.

Yours Truly,

Jennifer Spring and Oliver Wolfe

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

April 3, 2022

Marjorie Payne

THE CORPORATION OF THE TOWN OF HUNTSVILLE
37 Main St. E
Huntsville, ON
P1H 1A1

Dear Sir or Madam:

I am owner and resident of [REDACTED] to the Hutcheson
Property located at 9/11 Elm Street.

We have thoroughly reviewed the application and plans for 9/11 Elm Street
and whole-heartedly support the applicant to allow **both** the new boathouse
and garage.

Should you have questions or concerns, do not hesitate to call me,
Marjorie Payne [REDACTED]

Sincerely

[REDACTED]
Marjorie Payne

RESPOND TO:



April 4, 2022

VIA FAX TO: 705-788-5153
AND HAND DELIVERED TO:


THE CORPORATION OF THE TOWN OF HUNTSVILLE

37 Main St E
Huntsville, ON
PIH 1A1

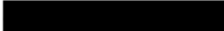
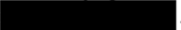
Atten: PLANNING COMMITTEE

Dear Sirs:

Re: Planning Consent/9 Elm Street/Hutcheson

I am owner and resident of 
9/11 Elm Street.

We have thoroughly reviewed the application and plans for 9 Elm Street, and whole heartedly support the applicants to allow both the new boathouse and garage.

Should you have any questions or concerns, do not hesitate to call me  or via email at .

Thank you.

Yours very truly,



Nathalie Tinti

