



Town of Huntsville Staff Report

Meeting Date: June 11, 2025

To: Planning Council

Report Number: DEV-2025-67

Confidential: No

Author(s): Kelsea Shadlock, Senior Planner

Subject: CPP/20/2025/HTE - Black Shore Capital Corporation - 7 John Street

Report Highlights

Staff review and recommendation to Planning Council respecting Community Planning Permit Application CPP/20/2025/HTE.

Recommendation

Be It Resolved That: Planning Council PROVISIONALLY APPROVE Community Planning Permit Application CPP/20/2025/HTE, the purpose and effect of which is to provide relief from subsections 2.4.4, 2.15.7 (d), 2.26.1 (a), 3.2.4 (b)(c), 3.2.7 (a)(ii), 3.4.5 and 4.5.5 (vii) of Community Planning Permit By-law 2022-97, as amended (a Class 3 - Council Variation), to:

1. Reduce the front yard setback from 6m to 0.9m for the northern deck, from 6m to 2.5m for the southern deck, and from 6m to 3.8m for refreshment stands;
2. Reduce the setback to a watercourse from 15m to 0.9m for the northern deck, from 15m to 2.5m for the southern deck, and from 15m to 3.8m for refreshment stands;
3. Increase cumulative width of the activity area from 117.6m to 118.2m;
4. Reduce the required parking space length from 6m to 5.5m;
5. Reduce the minimum requirement for parking spaces with a minimum width of 3m from 20% to 0%;
6. Reduce the minimum required number of designated accessible parking spaces from 3 spaces to 2 spaces;
7. Reduce the required aisle width for a double traffic lane from 6.7m to 6m; and
8. Reduce the setback for a refuse collection area from a lot line abutting a public street from 9m to 0m;

All to permit a temporary fifty (50) occupant outdoor restaurant for a three (3) year period, commencing on the date of Community Planning Permit issuance, with a maximum of four (4) refreshment stands, one (1) beverage stand, one (1) portable washroom facility and decks;

Conditional on:

1. The owner updating plans and drawings for required revegetation and tree preservation to the satisfaction of the Town of Huntsville along with provisions for the following matters:
 - a. additional native species plantings in accordance with the Town of Huntsville Shoreline Buffer policy, wherever feasible, particularly between proposed decks and shoreline;
 - b. retention of existing trees on the property, wherever feasible, including notations respecting appropriate tree preservation and replacement measures;
 - c. accessible parking spaces and access ramps between parking areas and decks;
 - d. 6m wide unobstructed maintenance area around municipal infrastructure within drainage easement;
 - e. seating for a maximum of 50 seats only (i.e. maximum of 9 picnic tables) along with notations on plans to indicate same,
 - f. signage at docks indicating that all docks are intended for public use; and
 - g. removal of boulders at shoreline and replacement with appropriate shoreline vegetation only.
2. The owner entering into a replacement development agreement with the Town of Huntsville, to be registered on title to the lands, including the provision of financial securities, to confirm that development will occur in accordance with the Community Planning Permit and the final approved plans and drawings;
3. A 6m wide drainage easement being granted to the Town of Huntsville; and
4. A Traffic Impact Brief being completed and any required actions and recommendations, including but not limited to transportation network improvements or modifications, being implemented, all to the satisfaction of the Town of Huntsville and District Municipality of Muskoka.

And Further That:

Upon the conditions of Provisional Approval being fulfilled in accordance with subsection 1.17 of Community Planning Permit By-law 2022-97, as amended, a Class 3 Community Planning Permit be issued to authorize the above described development conditional on:

1. The proposed development being undertaken in accordance with a Community Planning Permit, including final approved plans and drawings;
2. All actions and recommendations as outlined in technical reports being implemented;
3. All exterior lighting being dark sky compliant in accordance with Town of Huntsville Outdoor Lighting By-law 2016-3, as amended;
4. Appropriate erosion and sediment control measures being installed prior to commencement of any works and maintained until all disturbed areas have been stabilized;
5. All disturbed areas being stabilized and restored to existing conditions or better immediately upon completion of the works: and
6. The use on the lands will cease following three (3) years from final Community Planning Permit issuance.

Background**Purpose and Effect:**

The applicant proposes the development a temporary fifty (50) occupant outdoor restaurant for a three (3) year period, commencing on the date of Community Planning Permit issuance, with four (4) refreshment stands, one (1) beverage stand, one (1) portable washroom facility and decks for outdoor seating. A Class 3 – Council Variation is required to:

1. Reduce the front yard setback from 6m to 0.9m for the northern deck, from 6m to 2.5m for the southern deck, and from 6m to 3.8m for refreshment stands;

2. Reduce the setback to a watercourse from 15m to 0.9m for the northern deck, from 15m to 2.5m for the southern deck, and from 15m to 3.8m for refreshment stands;
3. Increase cumulative width of the activity area from 117.6m to 118.2m;
4. Reduce the required parking space length from 6m to 5.5m;
5. Reduce the minimum requirement for parking spaces with a minimum width of 3m from 20% to 0%;
6. Reduce the minimum required number of designated accessible parking spaces from 3 spaces to 2 spaces;
7. Reduce the required aisle width for a double traffic lane from 6.7m to 6m; and
8. Reduce the setback for a refuse collection area from a lot line abutting a public street from 9m to 0m.

This application was brought forward for "Information Only" to Planning Council on April 16th, 2025 (see [DEV-2025-43](#)). The proposal has since been revised and the application recirculated.

Site Characteristics and Surrounding Uses:

The property is approximately 4,968m² in lot area with 127m of shoreline frontage on the Muskoka River and 127m of road frontage on John Street. The subject lands are developed with a two-storey commercial building, comprised of restaurant and office uses, a refreshment stand, a shed and docks. Surrounding the property are primarily commercial uses, with residential uses located to the north.

Location: Parcel 32651, Section Muskoka; Part of Block A, Plan 7; Part of Block L, Plan 7; Designated Part 1 on Plan 35R-14347; Town of Huntsville; District Municipality of Muskoka

Previous/Current Files: B/69/2018/HTE, SPA/52/1989/HTE, SPA/04/1994/HTE, SPA/23/1994/HTE, SPA/03/1999/HTE, SPA/09/2003/HTE, SPA/12/2009/HTE, SPA/12/2015/HTE, SPA/18/2018/HTE

Natural Constraints: Steep Slopes (20-40%)

Human Constraints: Non-Operating Waste Disposal Site

Official Plan: Central Business District

Precinct: Central Business District (CBD), C7-0589

Overlay: Flood Overlay

Access: Municipally Year Round Maintained Local Road (John Street)

Servicing: Municipal Piped Water and Sewer Systems

OSRA Status: Closed

Technical Background Report(s):

- Planning Justification Report prepared by Plan Muskoka dated February 18th, 2025;
- Stormwater Management/Drainage Review Letter prepared by Pinestone Engineering Ltd., dated February 19th, 2025; and
- Grading, Drainage and Construction Mitigation Plan prepared Pinestone Engineering Ltd., dated October 2024

Discussion

The initial submission of the application was detailed in Report [DEV-2025-43](#). At the April 16th meeting, Planning Council did not make a decision regarding the application. Planning Council discussed the requirement for the Traffic Impact Brief, the required 6m stormwater easement, the previous approved site plan, the number of refreshment vehicles, parking concerns and considerations, and accessibility.

The current submission has been revised to remove two (2) of the refreshment stands and add one (1) portable washroom facility. The removal of refreshment stands results in less required parking, meaning the previously requested variation respecting the number of parking spaces is no longer required. However, it should be noted that relief is still needed to recognize the existing conditions of the parking lot and parking spaces for the new use. Staff also continued to request the Traffic Brief and a 6m easement for the Town stormwater drainage pipe but these items have not been provided.

Section 1.20 of the Community Planning Permit By-law (the "CPPBL") discusses five (5) criteria that must be addressed when evaluating variations. Under Section 1.20.1, the following must be demonstrated prior to issuance of a Community Planning Permit.

1. Is The Proposal Appropriate for the Lands?

The proposed development appropriately makes use of the underutilized portion of the property. There has previously been refreshment stands on the lands and this proposed would establish refreshment stands collectively as an outdoor restaurant. The development will improve the appearance of the prominent site by revegetating the shoreline and adding decking. However, the use of refreshment stands remains reminiscent of previous development. The use is also to be temporary for a three (3) year period. The temporary nature is reflected in type of structure proposed.

2. Does the proposal take into account the unique characteristics of the property?

The parking lot is existing, but relief is needed to accommodate the new outdoor restaurant parking. The existing aisle widths, parking space length, and lack of accessible spaces and larger parking spaces (3m in width) are a unique consideration given larger vehicles are often used in Huntsville. The applicant reduced the capacity of the outdoor restaurant to 50 seats, so the number of parking spaces can be met in the existing parking facilities. This must also be reflected in the updated site plan through the number of picnic tables provided. The reduction in seating addresses some of the limitations of the site; however, staff recommend a condition for a minimum of two (2) designated accessible parking spaces and accessibility ramps be added. This provisional condition is to address the accessibility concerns of Planning Council. Staff also request a Traffic Impact Brief as a condition of provisional approval to ensure vehicle movement, both internal and external to the site, is reviewed and any recommended measures are implemented.

There is a Town stormwater drainage pipe that traverses the property to convey stormwater to the Muskoka River. The Town requested a 6m wide drainage easement over the subject property in the pre-consultation. The applicant rejects the requirement to provide the 6m wide easement and instead proposes to provide an easement of closer to 3m in width, but it appears decking is shown within this 3m wide area. By refusing this requirement, the proposal does not account for this unique consideration of the site. Therefore, staff have included a condition that the easement be 6m in width and the plans be adjusted accordingly.

3. Have potential off-site and adverse impacts been identified and mitigated where appropriate?

Recent mapping from the District of Muskoka's Flood Mapping (2020-2023) indicates that the property is within a floodplain. To address the flood hazard, a Flood Impact Review was included in Stormwater Management/Drainage Review Letter prepared by Pinestone Engineering Ltd. Given that the entire site area is located below the flood elevation, the review notes the deck structures will need to be designed to resist flooding/floatation and associated river velocities similar to that of a dock structure over the water to mitigate this constraint. The review recommends the design of the deck structures be carried out by a structural engineer (or equivalent) as a condition of securing a building permit for the site. Therefore, the flood hazard can be mitigated through structural design.

In increasing the cumulative width of the shoreline activity area, and reducing the front yard setback and the setback to a watercourse, there are potential impacts to the shoreline and the Muskoka River. In this instance, the shoreline has been disturbed by existing development and the existing shoreline activity area is 117.6m. To achieve a net improvement, revegetation is to be provided along the shoreline which will be an enhancement from existing conditions and reduce further impacts to the Muskoka River. Staff would also recommend the retention of existing trees. The retention of trees and revegetation is included as a condition of provisional approval.

The Traffic Impact Brief was requested to review the proposal and any adverse and/or off-site impacts. The District also requested a review of the impacts to the John Street and Main Street intersection. The provisional condition for a Traffic Impact Brief will ensure any impacts are reviewed and required mitigation measures are implemented.

4. Is the development compatible with the surrounding land uses and character?

The proposed redevelopment on the site is compatible with the surrounding central business district uses and does not propose any changes to the character of the area.

5. Does the proposal conform to the District and Town Official Plans and is it consistent with any applicable urban design guidelines and the Provincial Planning Statement?

Town of Huntsville Official Plan

The Town of Huntsville Official Plan (the "HOP") policy discussion and analysis contained in Report [DEV-2025-43](#) continues to apply.

As noted previously, where new development is proposed, access roads must have the capacity to accommodate any additional traffic and a traffic study may be required where applicable (E3.6.5). No Traffic Impact Brief was provided for the application. The reduction in seating means the parking can be accommodated on-site. However, with the nature of this use, there is no restricted restaurant occupancy. So, there is the potential for queues and more patrons than seating available. As such, staff would require a Traffic Impact Brief to assess the proposal and the traffic generation. Also, given the waterfront location and docking facilities, it is recommended the owner provided fourteen (14) docking spaces for the outdoor restaurant use.

District of Muskoka Official Plan

The lands are included in the "Urban Area" designation. District of Muskoka staff provided revised comments (Attachment #4). District Engineering and Public Works staff continue to recommend the submission of a Traffic Impact Brief to determine the potential impacts on traffic from the proposed development including impacts on the John Street and Main Street East intersection. District staff are not opposed to approval, provided a Traffic Impact Brief is provided and implemented to the satisfaction of the District of Muskoka.

Town of Huntsville Urban Design Guidelines

There are no applicable Urban Design Guidelines.

Provincial Planning Statement

The 2024 Provincial Planning Statement (the "PPS") applies to this proposal and indicates that Settlement Areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within Settlement Areas shall also be based on densities that efficiently use land and infrastructure and encourage intensification and compact form. To ensure the effective use of the

surrounding road infrastructure for intensification on the subject lands, a Traffic Brief was requested and should be provided.

Summary

In view of the foregoing, with the conditions noted above imposed, the application would appear to meet the applicable criteria for approval under the CPPBL and be consistent with the PPS.

Options

Planning Council could deny CPP/20/2025/HTE; however, that is not recommended as the application would appear to conform to the intent of the Official Plan and be consistent with the PPS.

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
Community Planning Permit By-law 2022-97

Council Strategic Direction

- Balanced Growth-1.1: Review planning legislation and policies to support flexibility and optimize land use, including in rural areas, to address different community needs.
- Protected Natural Environment-1.1: Continue to apply best practices in maintaining our natural heritage features.

Attachments

[Attachment #1: Location Map](#)
[Attachment #2: Sketch](#)
[Attachment #3: Site Photos](#)
[Attachment #4: District Comments](#)
[Attachment #5: Letters of Objection](#)

Consultations

The application was recirculated in accordance with the provisions of the CPPBL and the Planning Act, as well as the Fairy Lake and Lake Vernon lake associations.

It should be noted that additional variations were identified as being required by staff through our review of the application to recognize parking non-compliant parking conditions. Unfortunately, these variations were not referenced in the public notice for this application but are listed in the purpose and effect description above and included in staff's recommendation. It was determined that additional circulation would not be required in relation to these additional variations as the Site Sketch accompanying the public notice has not changed as result of review.

Two (2) letters of objection were received for the re-circulation. The objections relate to parking, traffic, the number of stands, fences and the impacts on abutting businesses.

Respectfully Submitted: Kelsea Shadlock, Senior Planner

Manager Approval (if required): Richard Clark, Manager of Planning

Director Approval: Kirstin Maxwell, Director of Development Services

CAO Approval: _____

Attachment #1: Location Map



Attachment #3: Site Photos

Photo #1: East-facing view of property of shoreline



Photo #2: North-facing view of existing development



Photo #3: North-facing view of parking area



Photo #4: North-facing view of parking area



Photo #5: North-facing view of the existing refreshment vehicle



Photo #6: West-facing view of existing vegetation



Photo #7: North-facing view of existing parking area



Photo #8: West-facing view of existing development and vegetation



Photo #9:



Photo #10: East-facing view of existing refuse collection area



Photo #11: East-facing view of parking area and entrance to John Street



Photo #12: South-facing view of existing development



Photo #13: East-facing view of shoreline development



Photo #14: North-facing view of existing parking lot



Photo #15: North-facing view of existing development



Photo #16: North-facing view of shoreline



Photo #17: West-facing view of dock



Photo #18: North-facing view of existing development



Photo #19: South-facing view of shoreline, existing vegetation and storm water outlet



Photo #20: South-facing view of existing parking lot



Photo #21: South-facing view of parking and refuse area



Photo #22: East-facing view of parking lot



Photo #23: South-facing view of road frontage



Photo #24: West-facing view of existing development



Attachment #4: District Comments



June 3, 2025

Kelsea Shadlock
Town of Huntsville
Kelsea.shadlock@huntsville.ca

VIA EMAIL ONLY

Re: Updated Comments (Recirculation)
Community Planning Permit Application CPP-20-25-HTE (Black Shore Capital Corp.)
7 John Street
Parcel 32651, Section Muskoka; Part of Block A, Plan 7; Part of Block L, Plan 7; Designated Part 1 on Plan 35R-14347, Chaffey, Town of Huntsville

Recommendation

District staff would not be opposed to the approval of the above noted application provided that:

- i) A traffic impact brief, prepared by a qualified professional, be submitted to the satisfaction of the Town of Huntsville and District Municipality of Muskoka.

Notice of Decision respecting the above noted application is requested.

Analysis

The subject property is located within the “Urban Centre” designation of the Muskoka Official Plan (MOP). It is our understanding that the purpose of the above noted community planning permit application is to development of a temporary outdoor restaurant with four (4) refreshment stands, one (1) beverage stand, one (1) portable washroom facility and decks for outdoor seating.

District Engineering and Public Works staff recommend the submission of a Traffic Impact Brief, prepared by a qualified professional, as a condition of approval. This assessment is required to determine the potential impact of traffic generated by the proposed development including outlining the impacts towards John St. and Main St. intersection in consideration of the use proposed. The applicant is advised to consult with the District’s Engineering and Public Works Department to determine the scope of the traffic brief required.

Kind Regards,



Rochelle Jeffries
Planner

Attachment #5: Letters of Objection



You don't often get email from garciam@bostonpizza.com. [Learn why this is important](#)

Caution: This email originated from outside the organization. Exercise caution when clicking on links or opening attachments even if you recognize the sender.

Good afternoon Trish,

We would like to be a part of the meeting on June 11th at 1pm as well as we would like to speak regarding the food truck court that is being proposed.

I am forwarding you the text of what I will be presenting on June 11, 2025 at the meeting.

Good afternoon Honorable Counsel Members,

My name is Mauricio Garcia, and I'm the General Manager of Boston Pizza located at 7 John Street in Huntsville. We are a long-standing tenant and year-round operators on this property. I appreciate the opportunity to speak today on behalf of our ownership and our team, and I'm here to express our strong objection to the proposed variance application.

This proposal, if approved, would have serious consequences, not just for our business, but for every permanent tenant and for the integrity of this area as a whole.

Let me be clear: this isn't about resisting change. It's about ensuring that any change is fair, legal, and sustainable for everyone involved.

Here are the key reasons we are opposing this proposal:

First – no traffic or impact study has been completed.

This is a major oversight. The proposal would bring in more vehicles, more people, and more congestion without any plan for how to handle it. That's not just an inconvenience. That's a public safety concern.

Second – the city by-law is clear: only two food trucks are permitted.

The proposal exceeds that limit. Allowing more would go directly against the law that businesses like ours have followed for years. And if one applicant can ignore the rules so what's to stop others?

Third- the dock slips are privately rented all summer long, so no one can come in through boats, park there and come to order food. Which is what they stated at the last meeting!

That's completely false to say that the slips will help with parking when it wont.

Fourth– the parking situation is already stretched thin.

We see it daily. Our guests, staff, and delivery partners struggle to find spots during peak times. This proposal would make that much worse. And there’s no plan for designated handicap parking, which should be non-negotiable in any responsible development.

Fifth – fairness.

We’re a permanent business. We’re here twelve months a year. We hire locally. We pay taxes. And we rely on the summer season to make up for slower months. These proposed seasonal vendors would show up for the busiest months, take advantage of the foot traffic, and disappear when the season ends with no year-round investment or accountability. That’s not a level playing field.

Sixth– the proposal asks for six separate variances.

That’s excessive. If this many changes are needed, maybe this plan doesn’t actually fit within what this space can support. It starts to feel less like a variance request and more like a full rewrite of zoning rules for one party’s benefit.

Seventh – we weren’t consulted.

Neither were the other tenants we’ve spoken to. For a change this big, that affects so many people, there should have been a transparent and inclusive discussion. Instead, this was done behind closed doors.

Eighth- (and this is something we really want to stress)

We are genuinely concerned that this setup could create a chaotic, unregulated atmosphere, a sort of pop-up “second downtown” without the infrastructure, oversight, or planning to support it. And that kind of disorganized development always ends up hurting the people who were here first.

Finally, to our knowledge, there is no precedent for approving a setup like this under current zoning. Approving it now would open the door to similar requests in other neighborhoods, further weakening the city’s ability to enforce its own rules.

So, to be absolutely clear:

We are asking that this variance request be denied in full.

We’re not against growth, but it needs to be planned, legal, inclusive, and fair to the businesses that have invested in this space year after year.

Thank you for your time and for listening to our concerns.

Kind Regards,

Mauricio Garcia
General Manager



July 5/2025 ATTN. PLANNING DEPT., TOWN OF HUNTSVILLE.

Re: APPLICATION # CPP/20/2025/HTE Black Shore Capital.

PLEASE TAKE NOTICE THAT I WOULD LIKE TO ADD A FENCE OR PRIVACY WALL "PREFERRED PRIVACY WALL" TO THE APPLICATION FOR THE FOLLOWING REASONS.

- ① ANIMAL CONTROL! WE ALREADY HAVE A PROBLEM WITH DOGS COMING ON TO OUR PROPERTY SINCE THE FOOD TRUCK ARRIVED. YOU KNOW AS WELL AS I DO WHAT THEY ARE DOING. SAY NO MORE!
- ② MEN URINATING ALONG TREE LINE BETWEEN OUR PROPERTY AND PROPERTY MENTIONED IN APPLICATION. OUR CONCERN IS IF YOU PASS A BEVERAGE STAND AS REQUESTED IN THE APPLICATION OUR PROBLEM WILL ONLY GET WORSE!
- ③ AS FAR AS SET BACKS GO, ALL I KNOW IS THAT I AM BUILDING A STRUCTURE ON WATER IT HAS TO BE 66 FT. FROM WATER'S EDGE! HOWEVER WHAT YOU PASS YOU HAVE TO LIVE WITH FOR A LONG TIME. "FOREVER" PRIME EXAMPLE IS CONDO. ON BRUNNEL RD.

Yours Respectfully

PAT & PERLEY CRAWFORD

