



**Staff Report PLAN-2026-046**  
Committee of Adjustment  
April 13<sup>th</sup>, 2026

**TO:** Chair Edwards and Members of Committee of Adjustment

**AUTHOR:** Teslyn Heron, Planner

**SUBJECT:** A-91/25 (BIRCHWATER INVESTMENTS LTD), Part of Lot 33, Concession 5, Parts 3 to 8, Plan 35R-9283, Part 1, Plan 35R-22753, (Medora), Civic Address: 1167 Armstrong Point Road, Unit #8, Roll #: 5-5-023

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## **RECOMMENDATION**

BE IT RESOLVED THAT Minor Variance Application A-91/25 (BIRCHWATER INVESTMENTS LTD), to recognize an as-built dock and to construct additions to it as well as to construct a single storey addition with a rooftop sundeck to an existing two-storey boathouse is hereby ADJOURNED until the following is received:

- i. A revised floor plan depicting the proposed use within the interior of the first storey of the boathouse, which would be attached to the notice of decision at the time a decision is rendered.

## **REPORT HIGHLIGHTS**

This report provides an overview and analysis of Minor Variance Application A-91/25 (BIRCHWATER INVESTMENTS LTD). Through policy analysis, a site visit, and a desktop review of available information, staff have recommended that the application be adjourned until such time as a detailed floor plan depicting the proposed interior use on the first storey of the boathouse is provided.



A	4.1.3, 4.1.3.6 & 4.1.3.7	Maximum Permitted Lot Coverage Within 200 Feet of the High Water Mark	10% (3,500 sq. ft.)	11% (3,845 sq.ft.)	345 sq. ft.	Construct an Addition to an Existing Two-Storey Boathouse
B	4.1.7, 4.1.7.1 & 4.1.7.8	Minimum Setback to the Southerly Side Lot Line Projection	45 Feet	41.5 Feet	3.5 Feet	
C	4.1.7 & 4.1.7.12 a.	Maximum Cumulative Dock Width	52.5 Feet	57.4 Feet	4.9 Feet	

The site-specific property details are outlined in Table 2 below.

Table 2: Site-Specific Property Details

Matter	Comment
Official Plan Designation (November 2023 Consolidation)	Waterfront Area
Official Plan Designation (April 2013 Consolidation)	Waterfront
Zoning (ZBL 2014-14, as amended)	Waterfront Residential – No Constraints (WR1-7)
Zoning Schedule	29
Access	1167 Armstrong Point Road – Private Road
Lot Area	± 44,700 Square Feet
Lot Frontage	± 209.5 Feet
Servicing	Septic/Well
Abutting Zoning Categories	Waterfront Residential – No Constraints (WR1-7)
Original Shore Road Allowance	N/A

Matter	Comment
Lake/River Category	1 (Lake Rosseau)
Site Plan Control	WR1-7 Zone is Subject to SPC, However, the Proposed Development is Exempt.

## ANALYSIS

### Official Plans

The application was reviewed based on the policies in effect at the time of the application was submitted. At the time that the subject application was submitted, parts of the Township's 2023 Official Plan were under appeal. Where relevant policies were under appeal and such policies were not yet in effect, staff refer to applicable policies of the Township's 2013 Official Plan.

### Public Consultation

Notice of this public hearing to be held under the Planning Act for this application was circulated 13 days in advance of the scheduled April 13<sup>th</sup>, 2026, hearing date, and four (4) written departmental comments have been received at the time of writing (see Table A3 below). Comments from the Development Services Division indicate no objection, and state that a building permit is required to legalize the dock addition constructed without a permit. Comments from Operational Services, Emergency Services, and Legislative Services indicate no objection. Any written comments received up to April 10<sup>th</sup>, 2026, will be attached to Committee's Agenda under Section 10 of the Agenda.

### Four Tests of a Minor Variance

A minor variance application is evaluated against four tests prescribed under Section 45(1) of the Planning Act as follows:

- 1) Does it meet the general intent and purpose of the Official Plan?
- 2) Does it meet the general intent and purpose of the Comprehensive Zoning By-law?
- 3) Is it desirable for appropriate development or use of the land, building or structure?
- 4) Is it minor in nature?

### Proposed Variance A – Maximum Permitted Lot Coverage Within 200 ft. of the High Water Mark

It is the opinion of staff that the requested variance meets the four tests subject to a condition that the subject lands be required to obtain site plan approval and that a

satisfactory Site Plan Agreement be entered into and registered on title. In making this determination, key considerations include:

- Section B10.6 Township's 2013 Official Plan and Comprehensive Zoning By-law 2014-14 generally limit lot coverage within the Waterfront Designation as the principal means to control density and the amount of disturbed area on a lot, and therefore strict adherence is required. Lot coverage provisions also help to manage the negative impacts of development on the environment, ensure that built form does not dominate the shoreline, and protect the character of lakes. Notwithstanding, per Section B9.6 of the Township's 2013 Official Plan, a variation not exceeding 1/10th of the permitted coverage, or the reconfiguration of existing coverage, may be considered without an Official Plan Amendment. The subject lands are located on a Category 1 Lake (Lake Rosseau) where the maximum permitted lot coverage is 10% of the total lot area, and 10% of the lot area within 200 feet of the high water mark. This policy is implemented through zoning provisions.
- In this case, the proposed development leading to an increase in existing lot coverage is a single storey addition with a rooftop sundeck to the existing two-storey boathouse. Numerically, the extent of the requested relief is 345 square feet, which equates to a resultant lot coverage within 200 ft. of the high-water mark of 11% (3,845 sq. ft.), which is a lot coverage increase that can be contemplated on Lake Rosseau without an accompanying Official Plan Amendment.
- It is recognized that different lakes have different characters. Section E4.1 j) of the Township's 2023 Official Plan states that the three large lakes (Muskoka, Rosseau, and Joseph) generally exhibit larger built forms and building types which are generally not in character with the smaller lakes. Further, many factors affect character in the Waterfront Area, such as number of shoreline structures and the historical lake development. The subject property is located on Lake Rosseau, where larger development types are common.
- The proposed enlargement of the boathouse from 1014.52 square feet to 1221.94 square feet is a modest increase in size (+207.4 square feet) that will add additional length to the boathouse. The width of the boathouse is not proposed to change from what exists today. The proposed boathouse length is slightly less than what is permitted as-of-right (50 feet).
- Numerous Official Plan policies encourage shorelines to be maintained in a predominantly natural state with tree cover and ground vegetation extending across the lot's shoreline to a target depth of 50 feet. Section B6.5 of the Township's 2013 Official Plan explains that the role of natural vegetated shorelines in buffering waterbodies from erosion, siltation, and nutrient migration adjacent to the sensitive littoral zone is critical to the protection of water quality. Preservation and restoration of shoreline buffers are therefore required.

- Section E4.1 e) of the Township’s 2023 Official Plan states that “natural form shall dominate the character of the Waterfront Area. Natural shorelines visually screen development viewed from the water and buffer uses. Shorelines shall be encouraged to be maintained in a predominantly natural state with tree cover and ground vegetation retained as development occurs”.

Within 50 feet of the high water mark, the subject lands contain some hardscaping and rock outcrops. Further, the existing shoreline buffer contains a few mature trees, however, there is much of the shoreline in front of the dwelling and beside the current boathouse that could potentially accommodate a number of plantings to further assist in buffering the view of built form from the lake (see Figure A1). Therefore, if Committee is considering approval of the application, staff recommend that the subject lands be required to obtain site plan approval and that a satisfactory Site Plan Agreement be entered into and registered on title, along with securities, for matters including, but not limited to, the retention of existing vegetation and plantings to retain and revegetate the shoreline buffer.



Figure A1: Existing shoreline viewed from dock.

## Proposed Variance B – Minimum Side Yard Setback for a Single Storey Boathouse Addition with a Rooftop Sundeck from the Southerly Side Lot Line Projection

It is the opinion of staff that the requested variance meets the four tests. In making this determination, key considerations include:

- Section E4.12 b) ii) of the Township's 2023 Official Plan states that side yard setbacks shall be established in the case of shoreline structures, shoreline to allow for the ingress and egress of boats to dock spaces and boathouse slips, while maintaining reasonable views and separation for privacy between neighbouring properties. Subsection iii) of the same policy also states that consideration may be given to alternatives where such setbacks are not possible due to terrain or other constraints. Section L15.1 of the Township's 2023 Official Plan further directs that shoreline structures shall not impede the safe operation of watercraft or immediate view of surrounding properties, as defined by the extension of the property lines onto the water.
- In this case, the single storey boathouse addition with a rooftop sundeck is proposed to be located 40 feet from the southerly side lot line projection from the high water mark where 45 feet is required. The extent of the requested relief is 5 feet. Staff would note that the existing two-storey portion of the boathouse is located 35 feet from the side lot line projection at the closest point, which is less than what is proposed.

Based on staff's site visit and a desktop review, there appears to be satisfactory separation from shoreline structures on the abutting properties to permit the safe ingress and egress of boats and to maintain reasonable views for the neighbouring properties (see Figure A2). At the time of report writing, no comments had been received by the neighbouring property owner to the south who has the most potential to be impacted by the proposed variance. Should any comments be received, they should be considered and addressed as necessary.

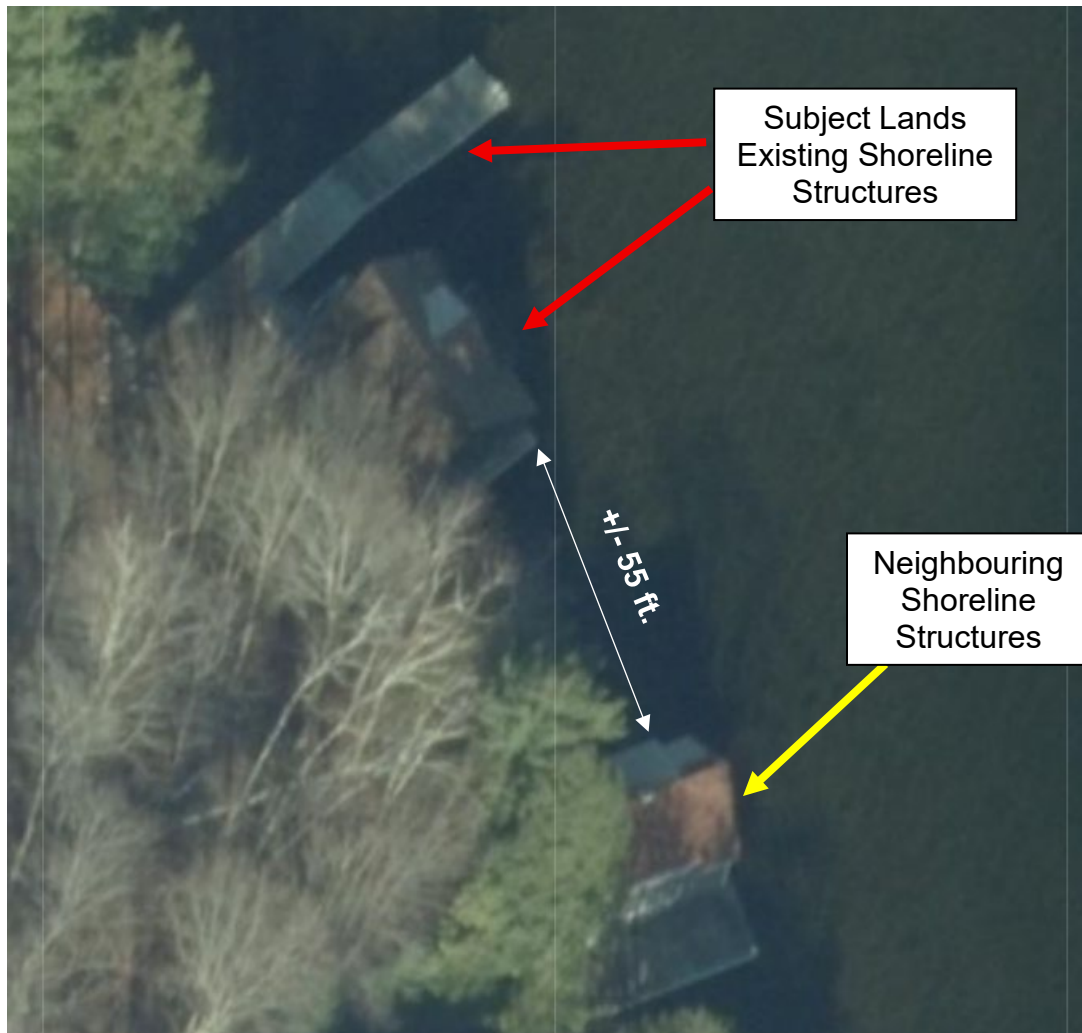


Figure A2: Available aerial photography (2023) depicting the approximate location of existing shoreline structures (indicated in red) and the neighbouring property's shoreline structure (indicated in yellow). The approximate distance between existing shoreline structures is indicated in white.

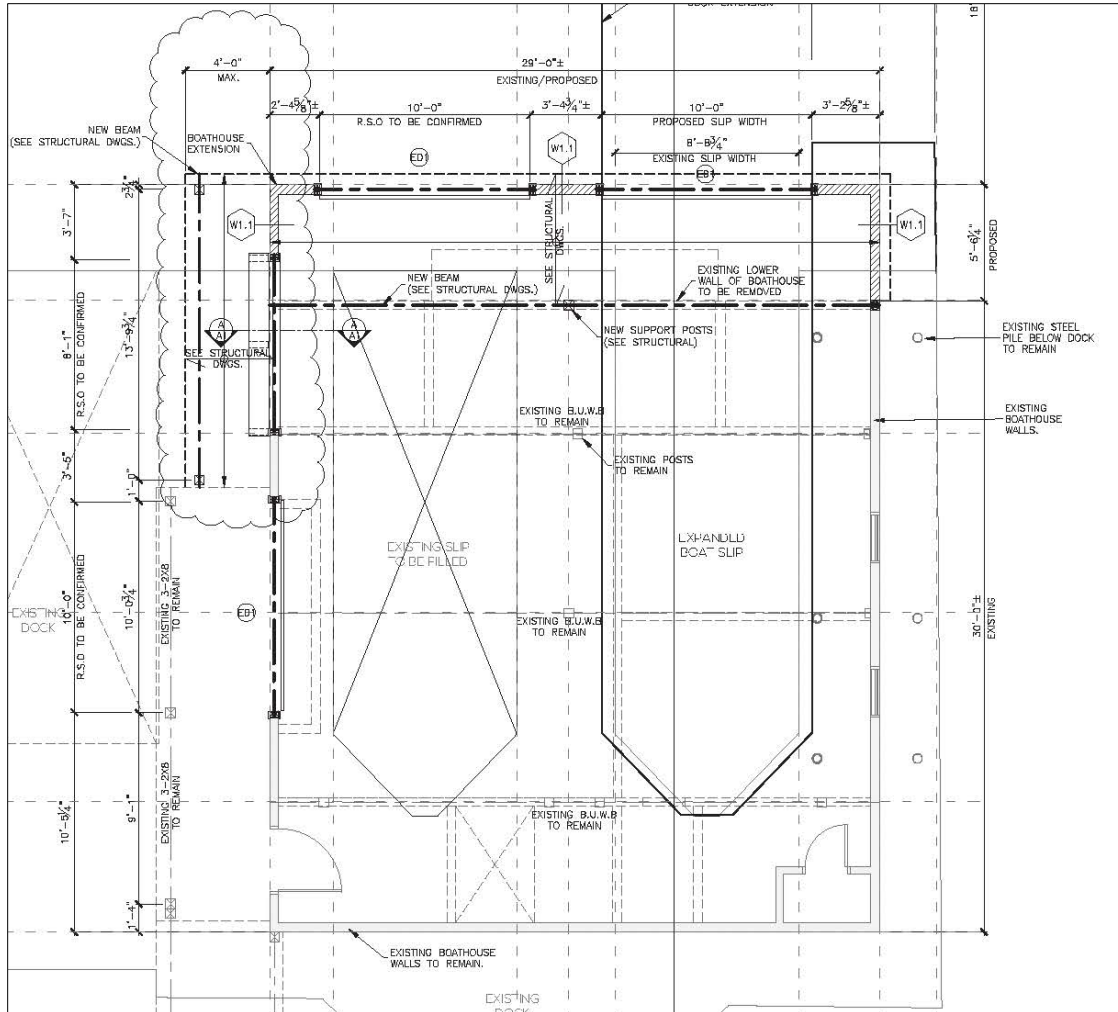
#### Proposed Variance C - Maximum Cumulative Dock Width

Staff recommend that the application be adjourned until such time as a detailed floor plan is provided to the satisfaction of the Township wherein the use within the interior of the first storey of the boathouse is provided. In making this determination, key considerations include:

- The Township's 2013 Official Plan and Comprehensive Zoning By-law establish maximum widths for shoreline structures with the general intent and purpose to ensure that built form does not dominate the shoreline. The Township's Comprehensive Zoning By-law stipulates that the maximum cumulative dock width permitted on a Category 1 Lake (Lake Rosseau) is 25% of the lot frontage. In this

case, the subject lands have 210 feet of lot frontage and the maximum permitted cumulative dock width is 52.4 feet. Based on staff's review of available information, it appears that the existing dock was enlarged sometime between 2013-2018 without the benefit of a building permit. The existing as-built cumulative dock width is 57.5 feet, which equates to 27.4% of the property's lot frontage. Numerically, the extent of requested relief is 5.1 feet. The proposed dock additions do not increase this as-built width.

- The proposal seeks to fill in one of the existing boat slips within the boathouse and further to construct a dock addition in front of the boathouse where that boat slip currently exists (see Figure A3). While the applicant's agent has indicated that the proposed filled in slip is to be utilized for marine-related storage, staff must be cognizant that properties can change hands and future owners could have different intentions. The zoning by-law defines a boathouse, in part, as "an accessory building built or anchored near the shore for the berthing and sheltering of boats or other marine related equipment". Further, Section 4.1.7.16 states, in part, that "the use of the first storey of any boathouse is limited to the berthing and sheltering of boats or other marine related equipment". Staff recommend that the application be adjourned until such time as a revised floor plan depicting the proposed use within the interior of the first storey of the boathouse be provided to ensure that the use remains compliant with the Township's Zoning By-law and is not to be used for recreational floor area. It is staff's intent that once a satisfactory floor plan is received, that it would be attached to the notice of decision.
- The size of dock permitted as-of-right is 66 feet in length and 52.5 feet in width totaling 3,465 square feet in size. The proposed dock is approximately 2,920 square feet. From an overall square footage perspective, what is proposed is less than what is permitted as-of-right. Any future dock additions would require planning approval. Once the issue of use is resolved, staff would not be opposed to the request for additional cumulative dock width as proposed.



A3: Floor plan drawing of the proposed boathouse.

## General Analysis

Site visit photos, property constraints and past planning approvals, and policy considerations are included in an appendix to this report.

## PREPARATION

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## APPENDIX

### A1: Property Constraints, and Background

Matter	Comment
Species at Risk (SAR)	SAR may be encountered in the area. More information regarding SAR can be found at <a href="http://www.ontario.ca/SpeciesAtRisk">www.ontario.ca/SpeciesAtRisk</a> . Property owners should consult the Ministry of the Environment Conservation, and Parks (MECP) to ensure any proposed development will not have any adverse impacts on SAR or SAR habitat. Given the applicant's statutory obligations under the <i>Endangered Species Act, 2007</i> , an evaluation of potential habitat of endangered and threatened species and impacts has not been completed; however, one can be requested by Committee if desired.
Fish Habitat	The subject land fronts onto an area of Lake Rosseau that has been identified by the MNR as Type II (General) Fish habitat. Type I (Significant) Fish Habitat is generally known to be sensitive to the potential impacts of development and can include spawning habitat, whereas Type II (General) Fish Habitat is not limiting to fish populations. Given statutory obligations under the Fisheries Act, it is the responsibility of applicants to confirm, through a self-assessment, if any future development/redevelopment will trigger a requirement for a review by the Department of Fisheries and Oceans (DFO) as laid out in Guidelines for Projects Near Water ( <a href="http://www.dfo-mpo.gc.ca/pnw-ppe-index-eng.html">http://www.dfo-mpo.gc.ca/pnw-ppe-index-eng.html</a> ). An evaluation of potential impacts to fish and fish habitat has not been completed as detailed above, however, one can be requested by Committee if desired.
Relevant Past Planning Approvals	<p>Minor Variance Application A-63/88 – Denied by Committee of Adjustment on 12/6/1988.</p> <p>-The Minor Variance requested relief from the maximum length of a boathouse/dock, the maximum floor area for a sleeping cabin and the setback from a side lot line for a boathouse.</p>

A2: Site Visit Photos, February 20, 2026



Figure A3. Lakeside view of existing boathouse with attached dock.



Figure A4. Proximity to neighbouring boathouse.



Figure A5. View of existing boathouse from on-land.

A3: Agency and Public Comments Submitted at Report Writing

Submission	No Objection	Objection	Comments
Township of Muskoka Lakes, Development Services Division	✓		A building permit application is required to legalize the dock addition constructed without a permit. This can be incorporated into the building permit application for the proposed dock addition. No objection.
Township of Muskoka Lakes, Operational Services	✓		No concerns from an Operational Services perspective.
Township of Muskoka Lakes, Emergency Services	✓		No comments.

Submission	No Objection	Objection	Comments
<b>Township of Muskoka Lakes, Legislative Services</b>	✓		No comments.
<b>Public Comments:</b>			
			Public comments had not been received at the time of report writing.

A5: Planning Policy

<b>Provincial Planning Statement</b>
The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject property is identified as a Rural Area in the PPS, and the application is consistent with the applicable policies in the PPS.
<b>Township of Muskoka Lakes Official Plan (Approved April 2013)</b>
The Township’s 2013 Official Plan designates the subject property as Waterfront, and it is the opinion of staff that the application should be adjourned until such time as a revised floor plan of the first storey of the boathouse be received.
<b>Township of Muskoka Lakes Official Plan (Approved November 2023 - appealed)</b>
The Township’s 2023 Official Plan designates the subject property as Waterfront Area, and it is the opinion of staff that the application should be adjourned until such time as a revised floor plan of the first storey of the boathouse be received.