



**Staff Report PLAN-2026-034**  
Committee of Adjustment  
March 9, 2026

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

**AUTHOR:** Teslyn Heron, Planner

**SUBJECT:** A-89/25, (TWH Holding Inc.), Lot 18, Concession D, Lot 20, Plan M-76, (Medora), Civic Address: 1022 Guys Road, Roll #: 6-20-054

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## **RECOMMENDATION**

BE IT RESOLVED THAT Minor Variance Application A-89/25 (THW Holding Inc.), to demolish an existing dock and construct a new, larger dock, and boat lift is hereby APPROVED with the following variance being granted:

- i. To permit a cumulative dock width to be 41 feet.

This variance is granted as shown on the plan attached to the Notice of Decision.

This approval shall remain in effect for three years from the date of decision.

## **REPORT HIGHLIGHTS**

This report provides an overview and analysis of Minor Variance Application A-89/25 (THW Holding Inc.). Through policy analysis, a site visit, and a desktop review of available information, staff have concluded that the proposed variance necessary to demolish an existing dock and construct a new, larger dock and a boatlift meets the four tests of a minor variance application under the *Planning Act*.

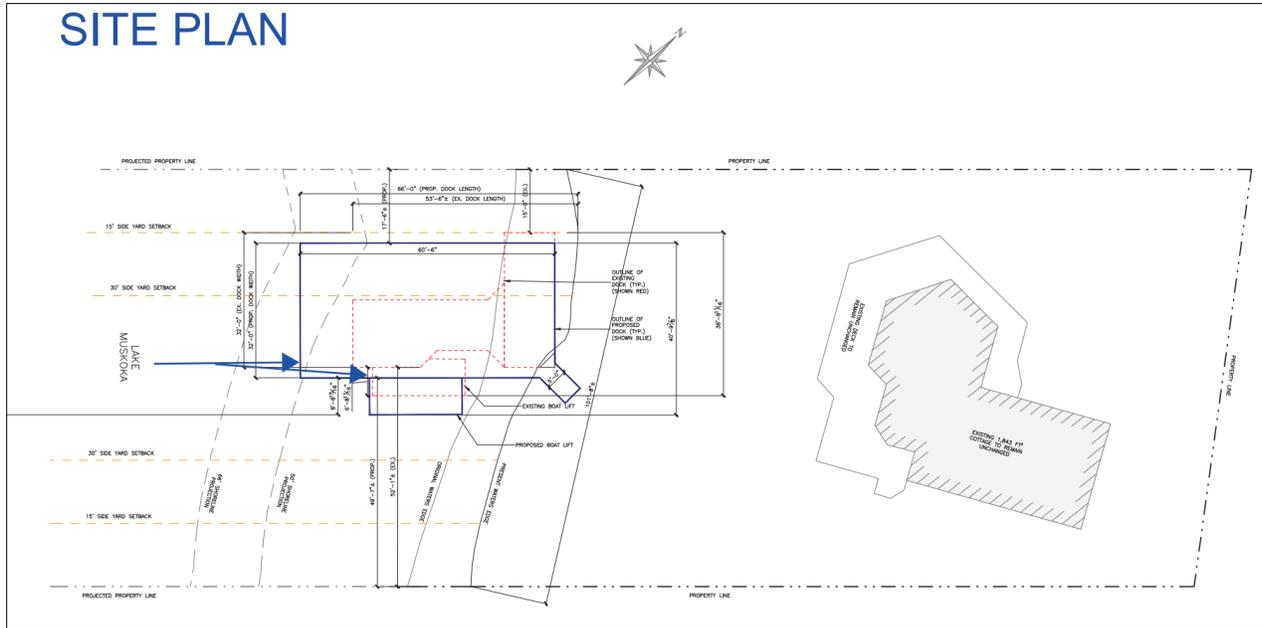


Figure 1. Site plan submitted for the application.

## BACKGROUND

The purpose and effect of the proposed Minor Variance Application A-89/25 is to demolish an existing dock and construct a new, larger dock and boatlift. The new dock and boatlift increase the resultant cumulative dock width beyond what is permitted 'as-of-right'. Technical details of the application are summarized in Table 1 below.

Table 1: Summary of Necessary Variance

Variance	ZBL 2014-14 Section(s)	Description	Permitted	Proposed	Variance	Proposal
A	4.1.7 & 4.1.7.12 a.	Maximum Cumulative Dock Width	25% (25.4 ft.)	40.3% (41 ft.)	15.6 ft.	Construct a Dock and Boatlift

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)
Zoning Schedule	41

Matter	Comment
Access	Guys Road - Township Road, Non-Maintained
Lot Area	± 16, 226 Square Feet
Lot Frontage	± 101 Feet
Servicing	Septic/Well or Lake
Abutting Zoning Categories	Waterfront Residential – No Constraints (WR1)
Original Shore Road Allowance	N/A
Lake/River Category	1 (Lake Muskoka)
Site Plan Control	Exempt.

## ANALYSIS

### Official Plans

While the Township's 2023 Official Plan was reviewed and referenced where applicable throughout the report, where relevant policies have been appealed, and such policies are 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 19 days in advance of the scheduled March 9, 2026, hearing date, and three (3) written departmental comments have been received at the time of writing (see Table A3 below). Comments received from Legislative Services, Operational Services, and the Development Services Division indicate no objection. Any written comments received up to March 4, 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 Cumulative Dock Width

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

- Section B9.2 of the Township's 2013 Official Plan and Section 4.1.7 and 4.1.7.12 a. of the Township's Comprehensive Zoning By-law establishes maximum widths for shoreline structures with the general intent and purpose to control density and ensure that built form does not dominate the shoreline. Section E4.3.3 d) of the Township's 2023 Official Plan directs that the maximum cumulative shoreline structure width permitted on a Category 1 Lake is 25% of the lot frontage, up to a maximum of 75 feet. On this property, with a straight line frontage of approximately 101.6 feet, the maximum permitted cumulative shoreline structure width is 25.4 feet. The property currently contains a dock with a cumulative dock width of 32 feet, or 32% of the property's lot frontage. According to Township records and aerial imagery, the dock appears to be legal non-complying, pre-dating permitting, as it is over width and located within the required side yard setback per today's standards. The applicant proposes to demolish this existing dock and to construct a new dock and boatlift with a cumulative width of 41 feet, representing a 15.6 foot (%) increase, which equates to 40.3% of the lot's frontage.
- Staff acknowledge that the property is permitted, 'as of right', to construct a compliant dock with a maximum length of 66 feet, and a maximum cumulative width of 25.4 feet. The existing dock is 54 feet in length, and the proposed new dock will result in a dock length of 66 feet, representing an increase of 12 feet in length. The resultant size of the dock proposed in the subject application is 2,112 sq. feet, with the proposed dock width being 34 feet and the boatlift for a boat being 7 feet.
- Policy N10 a) of the Township's 2023 Official Plan states "When considering alterations/additions to non-complying structures which require a by-law exemption/variance, the structure shall be brought into compliance with the implementing Zoning By-law or Community Planning Permit By-law as much as possible without requiring major site alterations, provided the impacts are minor". The existing dock is legal non complying due to an encroachment into the required side yard and it is over width.
- Section L15.1 c. of the Township's 2023 Official Plan states that shoreline structures shall not impede the safe operation of watercraft or immediate view of surrounding properties, as defined by the extension of property lines onto the water. The proposed dock and boatlift do not block the immediate view of any surrounding properties as defined by the extension of property lines onto the water. Further, the location where the dock and boatlift are proposed is on a portion of Lake Muskoka that is open and it is not anticipated that the dock/boatlift will impede the safe operation of watercraft (see Figure 1).

- The existing vegetative buffer further alleviates concerns that built form could dominate the environment. The existing vegetative buffer is largely in a natural state with mature mixed forest types, with the exception of a walkway providing access to the boathouse. There is minimal development on the property, being a dwelling and small kayak rack and therefore development is not anticipated to dominate the property.
- Section B6.5 of the Township's 2013 Official Plan states that the frontage of a lot will be maintained in a natural state to a target depth of 15 metres (50 ft.) from the shoreline. Where lots are already developed and further development is proposed, these targets should be achieved to the extent feasible. Where these targets cannot be met, a net improvement over the existing situation is required. I

In this case, there is an existing vegetative buffer lining the shoreline, which consists of a combination of deciduous and coniferous trees. There is a small pathway to provide access to the existing but the property is largely buffered by the vegetive wall.

## General Analysis

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

## PREPARATION

Original signed by Teslyn Heron

**Prepared By**

Teslyn Heron  
Planner

Planning Division

(705) 765-3156 ext. 231

[THeron@muskokalakes.ca](mailto:THeron@muskokalakes.ca)

Original signed by E. Crowder

**Approved By**

Emily Crowder  
Senior Planner

Planning Division

(705) 765-3156 ext. 310

[ECrowder@muskokalakes.ca](mailto:ECrowder@muskokalakes.ca)

Original signed by J. Huff

**Acknowledged By**

Jennifer Huff

Director of Development Services  
and Environmental Sustainability

(705) 765-3156 ext. 272

[JHuff@muskokalakes.ca](mailto:JHuff@muskokalakes.ca)

## 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. Staff note that the development is in-water works and is not anticipated to result in any site alteration or tree removal.
Fish Habitat	The subject land fronts onto an area of Lake Muskoka that has been identified by the MNRF 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.

A2: Site Visit Photos, February 20, 2026



Figure A1. Existing dock and boatlift.



Figure A2. Proximity to neighbouring dock.



Figure A3. Existing shoreline vegetation.

A3: Agency and Public Comments Submitted at Report Writing

Submission	No Objection	Objection	Comments
Township of Muskoka Lakes, Development Services Division	✓		No objection.
Township of Muskoka Lakes, Operational Services	✓		No concerns from an Operational Services perspective.
Township of Muskoka Lakes, Emergency Services	✓		No comments.
Township of Muskoka Lakes,	✓		No comments.

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

A4: 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 relevant 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 Area, and it is the opinion of staff that the application conforms to the applicable policies in the Township’s 2013 Official Plan.
<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 conforms to the in-effect policies in the Township’s 2023 Official Plan.