



26 June 2017

Tanya Calleja  
Clerk, Town of Huntsville  
Town Hall, 37 Main Street East  
Huntsville ON P1H 1A1  
By email: Tanya.Calleja@huntsville.ca

**Regarding:** Official Plan Amendment (OPA#13) and Zoning By-law Amendment (Z/22/2017/HTE) on Island No. 2, Lake of Bays, Geographic Township of Brunel, Town of Huntsville

Dear Ms. Calleja;

The Lake of Bays Association (LOBA), has agreed to provide the proponents and the Town with a summary of the feedback it has obtained from its members. The following is our summation at this point of the prevailing sentiment of our members.

The Lake of Bays Association, having consulted with its membership, both through a formally scheduled open meeting and through numerous direct member contacts, consistently heard that ad hoc Official Plan and zoning amendments for commercial uses on island properties especially within a predominantly residential waterfront area is not appropriate or considered to be good planning. This is due to the prominence of the island properties to the surrounding waterfront residential and natural land use context, the need for shoreline parking and service areas, and the intensity and character of use that commercial uses require to yield a profit beyond expenses, unlike residential waterfront uses that operate without profit expectation or any financial justification.

It has been noted that land use decisions have to be based on the range and intensity of uses that the land use control instruments (Official Plan, Zoning and Site Plan) allow and not what any particular user intends to voluntarily restrict at any given point in time. It has been noted that use permissions do not relate to particular users but must anticipate change in users or intentions at any moment. Zoning is not user specific.

It is noted that a commercial zoning and official plan amendment for the subject property would have to allow an unfettered right of the owner to market and operate the property to allow full business potential. It could not for instance restrict the marketing of a service to the Konrad's corporate clients only.

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In general consensus view that we have heard from our members is that commercial uses should be avoided on island properties and that they should be directed to the many commercial sites around the lake that are suffering obsolescence with a real need for renewal and re-investment or to mainland areas that are proximate to the settlement nodes. The reasons for this are that the need to service islands with landside parking access and convenient boat services can clearly result in additional impacts both environmental and ambient for the broader community. The provision of emergency services and health services to a more intensive commercial island use is also cited as an issue that requires contemplation.

Alternatively, we have heard from our members that they have lesser concerns should the island be developed and severed for residential uses in accordance with the existing zoning although it has been noted that the coverage provisions in the existing by-law appear excessive and could use updating. Stringent site plan control should of course be exercised. Alternatives to subdivision and severance such as detached condominium concepts could conceivably be also employed and encouraged by the Town to help ensure the long term maintenance of the managed forest as common element.

Additionally, the general consensus of our members indicates no concern in the event the proponent wishes to develop the lands under a residential zoning umbrella as a residential family compound generally as presented provided the number of units does not exceed the combined frontage requirements of the current by-law. It is understood such a permission would require relief from restrictions that limit the number of structures permitted on a single lot but again, such permissions are not of concern provided sufficiently detailed plans are provided to ensure conventional waterfront setbacks, site specific limits on coverage, Gross Floor Area (GFA) and building height. In the event the proponent and the town wish to pursue the approval of this project as a residential family compound, it may be appropriate for the matter to be deferred in order to allow for the refinement of plans, confirmation of required GFA, footprints, heights and setbacks and of course amplified sewage servicing details. It is understood there are no immediate plans to initiate construction on this project under any scenario.

Under such an alternative (residentially zoned) scenario, our members understand that such residential uses could be used incidentally, as can any cottage on the lake, for the use of the owners friends, family, business associates or employees or to be casually rented to anyone they choose from time to time. Under this residentially zoned scenario a point has been made that no anticipation of profitability or maximization of utility can drive any future required adjustment in land use control instruments (noting that both the District Plan and the Huntsville Plan are properly very sympathetic to the optimization of commercial uses in recognized commercial zones). As a residentially zoned property, such issues as boat docking, shore parking and boat and taxi service would be anticipated to be at a level customarily attributed to any island waterfront residential use.

To be clear, however, our members are concerned that a commercial zoning/use and commercial recognition of the property not be permitted because of the greater intensity, and character of use that may be associated with such uses.

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Finally, it has been noted that there is a difference between ownership and land use. It is noted that it is completely acceptable for private companies, corporations or trusts to own residentially zoned properties provided they are operated within the ambit of the residential use provisions. The LOBA membership also notes that there are no legal non conforming use rights to commercial or quasi commercial uses that are applicable to this property that would warrant any recognition through the establishment of new commercial uses on this island property.

We trust that you will find the foregoing informative and constructive for continuing discussions regarding this property.

Thank you.

A handwritten signature in blue ink that reads "Ian Beverley". The signature is written in a cursive style with a horizontal line underlining the name.

Ian Beverley  
President

cc.

Kirstin Maxwell, Manager of Planning, Town of Huntsville

Marie Poirier, MP Planning

Geordie Konrad, The Konrad Group

Carrie Sykes, Clerk, Township of Lake of Bays

Lake of Bays Association Board of Directors

Lake of Bays Association Members (via Newsflash and website)