

# **Summary of Comments**

**B-010-2024 - 3635 Kimberley St.**



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** B-010-2024

**MEETING DATE:** December 12, 2024

**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

**FROM:** Toomaj Haghshenas, Development Planner

**SUBJECT:** Lot boundary adjustment between 3627 Kimberley Street and 3635 Kimberley Street.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	3627 Kimberley St and 3635 Kimberley St
<b>Legal Description</b>	PLAN 51M-437 LOT 49 and PLAN 51M-437 LOT 48
<b>Official Plan</b>	Shoreline Residential Area (Schedule B)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of application B-010-2024, subject to the following conditions:

### CONDITIONS:

- 1.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town, for the lot boundary adjustment. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.
- 2.) That a Deeming By-Law be approved by Council.

### REASON FOR APPLICATION:

The applicant is proposing an adjustment to the lot boundary which will result in the transfer of 16.5m<sup>2</sup> of residential land from 3627 Kimberley St to 3635 Kimberley St. The lot boundary adjustment will result in an approximate lot area of 2,436.3 m<sup>2</sup> for 3635 Kimberley Street, and an approximate lot area of 2,471.2 m<sup>2</sup> for 3627 Kimberley Street.

The boundary adjustment is a result of a water feature (Pool and accessory) that was built on 3627 Kimberley St which encroaches onto the neighboring property. As such, the transfer of land will legalize the built water feature. The 2005 permit showed a greater than 2m setback (7 ft) for the pool (minimum 1m is required per the R1 Zone) however the pool was not constructed with this setback.

**SURROUNDING LANDS:**

<b>North</b>	Single-detached dwellings
<b>East</b>	Single-detached dwellings
<b>South</b>	Single-detached dwellings and vacant lot
<b>West</b>	Kimberley Street, Single-detached dwellings and woodlands

**ANALYSIS:**

<b>Site Inspection Date</b>	November 27, 2024
<b>Consistent with the Provincial Policy Statement (PPS):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located outside any Settlement Areas as identified in the Town and County Official Plans. The PPS (2024) identifies the subject lands as rural lands, which are lands that permit residential development, including lot creation, where site conditions are suitable for sewage and water services.</p> <p>In this case there is no lot being created, rather a slight boundary adjustment transferring a small area (16.5m<sup>2</sup>) of land from one residential lot to another. The proposal will have no impact on current infrastructure use. As such, there is no change affecting PPS policies and staff consider the exiting conditions to be consistent with the PPS.</p>
<b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located not within a settlement area, therefore they are not subject to the settlement area policies of the Lake Simcoe Protection Plan (LSPP). The subject lands are outside of any flood and fill regulated areas of the Lake Simcoe Region Conservation Authority (LSRCA). They are also not directly adjacent to any key natural heritage or key hydrologic features, thus they do not require a natural heritage evaluation. Staff are of the opinion the minor lot boundary adjustment is consistent with LSPP policies.</p>
<b>Conforms to the County of Simcoe Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated 'Rural Lands' in the Simcoe County Official Plan and are located outside any Settlement Area. Section 3.3.5 states consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in the County of Simcoe Official Plan, Provincial policies and legislation. The definition of legal or technical reasons in the County Official Plan includes minor boundary adjustments, which do not result in the creation of a new lot.</p> <p>Considering the proposed development is for a minor lot boundary adjustment, staff are of the opinion that the application conforms to the policies of the Simcoe County Official Plan.</p>
<b>Conforms to the Town of Innisfil Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Shoreline Residential Area under Schedule B of the Town's Official Plan. Permitted uses include Singel-detached dwellings and accessory structures.</p>

	<p>Section 19.2.1 of the Official Plan states that Development shall be undertaken in conformity with the residential design policies of Section 10.1. Since the lot boundary adjustment will not result in the creation of a new lot, will meet section 10.1 of the OP and conforms to the permitted uses in the designation, the application is considered in conformity with the Town of Innisfil Official Plan</p>
<p><b>Complies with the Town Zoning By-law:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned “Residential 1 (R1) Zone” in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 22m lot frontage and minimum 1400m<sup>2</sup> lot area. Both subject lots comply with the minimum required lot frontage and lot areas for the R1 zone. The boundary adjustment will maintain all appropriate setbacks and will have minimal impact on the lot configuration (swimming pools require a minimum 1m separation from an interior side lot line).</p> <p>Considering the above, Staff are of the opinion that the proposal maintains the purpose and intent the Town’s Zoning By-law.</p>
<p><b>Conforms to Section 2, 51(24) and 53(12) of the Planning Act:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff have reviewed the matters under Sections 2, 51(24) and 53(12) of the Planning Act, and are of the opinion the proposed development conforms to these sections. A deeming by-law is required to amend the lot dimensions of the lots on the registered M-Plan (Plan 51M-437) which is proposed as a condition and required to be passed by Council.</p>

**CONCLUSION:**

The Planning Department recommends approval of application B-010-2024.

**PREPARED BY:**

Toomaj Haghshenas  
Development Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



**Community Development Standards Branch**

**MEMORANDUM TO FILE**

**DATE:** December 3, 2024

**FROM/CONTACT:** Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

**FILE/APPLICATION:** B-010-2024

**SUBJECT:** 3635 Kimberley St.

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**Comments to applicant/owner for information purposes** (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comments.

**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.



Engineering

MEMORANDUM TO FILE

**DATE:** December 5, 2024

**FROM/CONTACT:** Adil Khan ex 3244 akhan@innisfil.ca

**FILE/APPLICATION:** B-010-2024

**SUBJECT:** 3635 Kimberley Street

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**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No conditions.