

Summary of Comments

A-058-2024

228 Big Bay Point Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: A-057-2024 & A-058-2024
RELATED APPLICATION: B-011-2024
MEETING DATE: March 20, 2025
TO: Sarah Burton Hopkins, Secretary Treasurer Committee of Adjustment
FROM: Keirsten Morris, Senior Planner
SUBJECT: Minor variance applications A-057-2024 and A-058-2024 seeking relief from Table 4.2a of Zoning By-law No. 080-13 for minimum lot frontage.

PROPERTY INFORMATION:

Municipal Address	228 Big Bay Point Road
Legal Description	Plan 683 Lots 1, 2, 6, 7, 11, 12, 16, 17 & Part Block O
Official Plan	Shoreline Residential Area (Schedule B)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends deferral of A-057-2024 and A-058-2024 until such time that the related consent application B-011-2024 has demonstrated consistency and conformity with Provincial and Town Official Plan policies.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands to create two new residential lots, with deficient lot frontages of 7.6m for one severed and one retained lot. The applicant is seeking relief from Section 4.2(a) of the Zoning By-law, which requires a minimum lot frontage of 22m. This application is to be heard in conjunction with application B-011-2024.

Application Number	By-law Requirement (4.2a) minimum lot frontage))	Proposed	Difference
A-057-2024	22m	7.6m	14.4m
A-058-2024	22m	7.6m	14.4m

SURROUNDING LANDS:

North	Single detached dwellings on shoreline lots, Lake Simcoe
East	Vacant residential lots

South	Big Bay Point Road, vacant woodlot and Friday Harbour Resort lands
West	Trillium Place (private road), single detached dwellings

ANALYSIS:

Site Inspection Date	February 26, 2025
Maintains the purpose and intent of the Official Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Shoreline Residential Area on Schedule B11 to the Town Official Plan. Single-detached dwellings are permitted in the designation.</p> <p>As the proposed variances are dependent on the related severance application, further analysis will be provided once comments for the related severance application B-011-2024 has been addressed.</p>
Maintains the purpose and intent of the Zoning By-law: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 22m lot frontage. One of the severed lots and one retained lot are proposed to have deficient lot frontages of 7.6m. As such, Minor Variance applications have been submitted to seek relief from the minimum lot area requirement for the severed and retained lots.</p> <p>The purpose and intent of the Zoning By-law with respect to minimum lot frontage is to ensure lot frontages are compatible with frontages of lots in the area and to mitigate and to provide safe, efficient access from the public road to new dwellings.</p> <p>As the proposed variances are dependent on the related severance application, further analysis will be provided in a future memorandum to the Committee of Adjustment once comments for the related severance application B-011-2024 has been addressed.</p>
The variance is desirable for the appropriate/orderly development or use of the land: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>As the proposed variances are dependent on the related severance application, further analysis will be provided in a future memorandum to the Committee of Adjustment once comments for the related severance application B-011-2024 has been addressed.</p>
The variance is minor in nature: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>As the proposed variances are dependent on the related severance application, further analysis will be provided in a future memorandum to the Committee of Adjustment once comments for the related severance application B-011-2024 has been addressed.</p>

CONCLUSION:

The Planning Department recommends deferral of applications A-057-2024 and A-058-2024 until such time that the related consent application B-011-2024 has demonstrated consistency and conformity with Provincial and Town Official Plan policies.

PREPARED BY:

Keirsten Morris
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: March 13, 2024

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

FILE/APPLICATION: A-057 & 058-2024

SUBJECT: 228 Big Bay Point Road

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. Please note that additional information (such as, but not limited to, septic review, limiting distance calculations or engineered documents, etc.) may be requested at building permit stage in order to review for compliance against the Ontario Building Code.
2. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of Community Development Standards Branch (Building Department).

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. The applicant/owner shall provide a site plan with proposed building and septic footprint that meets all Ontario Building Code required clearances to neighbouring and proposed wells and property lines/ ROWs, to the satisfaction of Community Development Standards Branch (Building Department).
2. The applicant/owner shall provide a sieve analysis of the soils indicating the T time for all proposed septic areas to the satisfaction of Community Development Standards Branch (Building Department).

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)

Fences

1. Fence and hedge provide no visual obstruction, is in good repair and well maintained

Demo

1. The applicant/owner shall obtain a demolition permit for the existing accessory structures and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department).

Septic

1. The applicant/owner shall provide a site plan with proposed building and septic footprint that meets all Ontario Building Code required clearances to neighbouring wells and on-site sewage systems, to the satisfaction of Community Development Standards Branch (Building Department).
- 2.

Lot grading

1. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of Community Development Standards Branch (Building Department).

Additional structures

1. Ensure lot grading certificate has been issued by the Development Engineer and the Notice of Completion Inspection has been completed by Community Development Standards Branch (Building Department) for main house permit, prior to application for additional structures.

EBF and UPO

1. The proposed property line appears to impact the spatial separation requirements regarding the existing unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed

construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).

EBF

1. The proposed property line adjustment appears to impact the spatial separation requirements regarding the existing wall construction with regards to Fire Resistance Rating and type of construction. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.14.5. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).

Structures exceeding 50m²

1. All structures over 50m² will require a lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the Community Development Standards Branch (Building Department).



Engineering

MEMORANDUM TO FILE

DATE: March 7, 2025

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

FILE/APPLICATION: A-058-2024

SUBJECT: 228 Big Bay Point Road

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 comment.

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 comment.



Sent via e-mail: sburtonhopkins@innisfil.ca

March 13, 2025

Municipal File No.: B-011-2024, A-057-2024, & A-058-2024
LSRCA File No.: VA-136617-031325

Sarah Burton-Hopkins
Development Coordinator & Secretary Treasurer
of the Committee of Adjustments
2101 Innisfil Beach Road
Town of Innisfil, L9A 1A1

Dear Sarah,

Re: Applications for Minor Variance and Severance
228 Big Bay Point Road
Town of Innisfil
Owner: Roger Murchison & Ann Jocelyn Wilson
Applicant: Brutto Consulting Inc. (Francesco Fiorani)

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing to sever the subject property into three (3) lots for the purpose of constructing three (3) new detached dwelling units. The Applicant/Owner has also applied for an application for Minor Variance with the Town of Innisfil seeking relief from the following section of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 4.2 of the By-law which requires the minimum lot frontage of a detached dwelling to be 22 metres, whereas the proposal is requesting a reduction to 7.6 metres for lots two (2) and three (3).

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Circulation Letter (dated February 25th, 2025)
- Topographic survey prepared by C.A. MacDonald Surveying Inc. (dated December 11, 2023)
- Planning Justification report prepared by Brutto Consulting Inc. (dated February 2025)
- Concept Development Plan prepared by Brutto Consulting Inc. (dated November 2024)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

Based on our review of the submitted information in support of the application, the proposal is not consistent or in conformity with the natural heritage policies of the applicable Provincial and Regional plans. On this basis, we have recommended deferral of these applications for Minor Variance and Severance until conformity with these policies has been demonstrated.

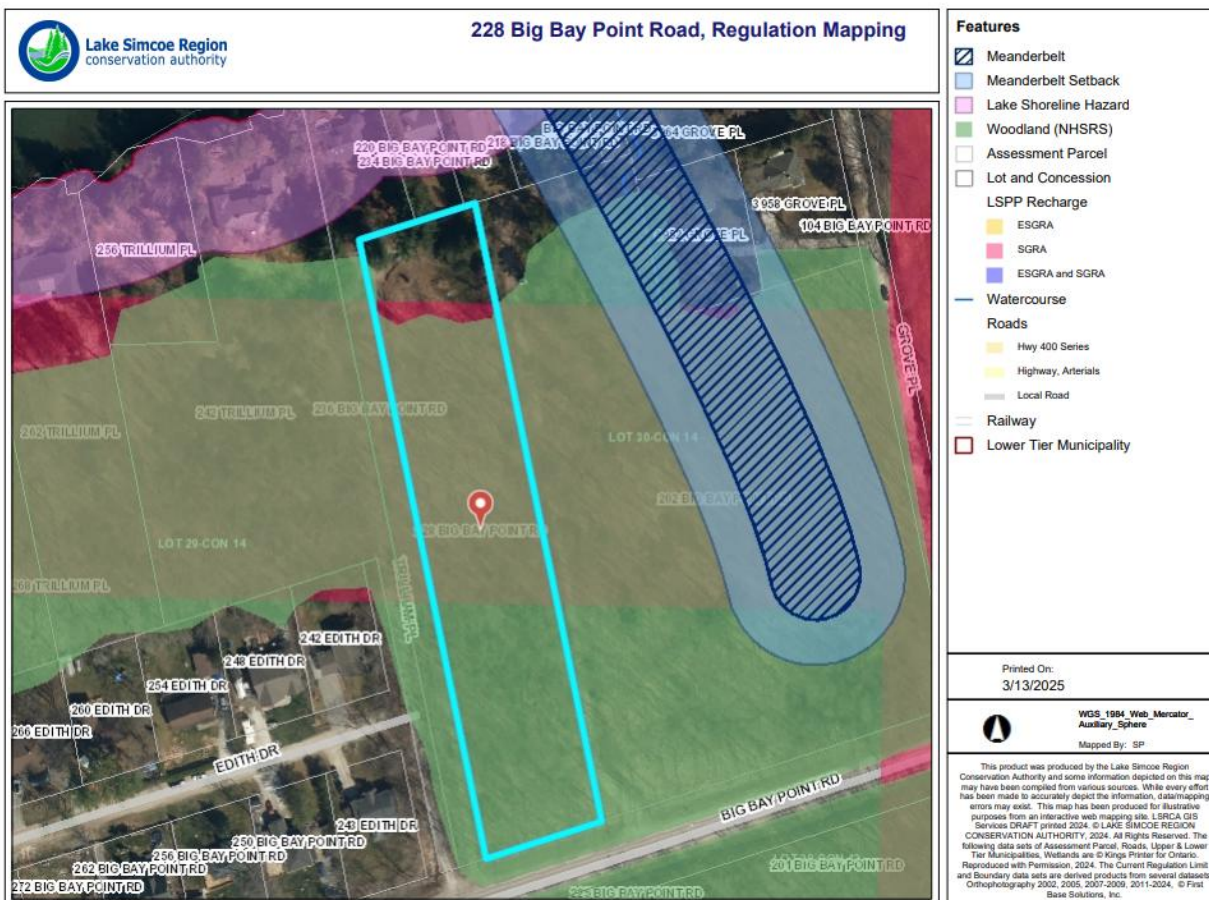
- The Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Major – technical review required) \$2,079;

Site Characteristics

The subject land is approximately 8,482 square metres (0.8 hectares) in land area and is located north of Big Bay Point Road and west of Grove Place within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the ‘Residential One Zone’ (R1) as per The Town of Innisfil’s online interactive zoning map.
- The subject property is not regulated by the LSRCA under Ontario Regulation 41/24. Please see a detailed regulatory map below.
- The subject property contains identified significant woodland areas.
- The subject property is located within a completed watershed or sub-watershed study area – West Holland River Subwatershed Plan.
- The subject property is within a Significant Groundwater Recharge Area (SGRA).



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS). There are no identified natural hazards on the subject lands. Based on the information submitted as part of this application, the proposal is generally consistent with 5.2 of the PPS.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 41/24 does not apply to the subject property. Therefore, a permit from the LSRCA will not be required.

3. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural heritage identified in Section 6 of the Lake Simcoe Protection Plan (LSPP). The LSRCA's review has been modified due to Bill 23, More Homes Built Faster Act, having received Royal Assent from the Province, and the associated Regulations issued on December 28th, 2022. This impacts our review by way of Planning Act applications, as the LSRCA is no longer able to comment on behalf of municipalities for Natural Heritage review within Oak Ridges Moraine, Greenbelt and Municipal Settlement Areas established prior to 2009. We note the subject lands are located outside of these areas, therefore LSRCA will be reviewing Natural Heritage as it relates to the LSPP.

The subject land appears to be partially covered by a significant woodland. As per Section 6.23 DP of the LSPP "*Development or site alteration is not permitted within a key natural heritage feature, a key hydrologic feature and within a related vegetation protection zone referred to in policy 6.24...*". The applicant will need to demonstrate through the submission of a Natural Heritage Evaluation (NHE)/an Environmental Impact Assessment (EIS) scoped to the satisfaction of the LSRCA that the proposed development will not be located within the key natural Heritage Feature (significant woodland). LSRCA may require a site visit to verify the onsite conditions. Please contact the LSRCA prior to the completion of these studies to ensure conformity.

As per Section 6.27 DP of the LSPP "*A proposal for new development or site alteration within 120 metres of the Lake Simcoe shoreline, a key natural heritage feature or a key hydrologic feature shall provide for the establishment and maintenance of natural self-sustaining vegetation to the extent and width of the associated vegetation protection zone required by the policies in this Chapter, except in relation to uses and structures in the vegetation protection zone that are permitted by the policies of this Chapter.*" Therefore, LSRCA will require the applicant to provide planting plan comprised of natural self-sustaining vegetation.

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.
2. Based on the applicant's proposal, it is unclear if a private septic system is being proposed. Please note that as per Section 4.15 DP of the LSPP "*Subject to other policies of the Plan, a new on-site sewage system or subsurface sewage works shall not be permitted within 100 metres of the Lake Simcoe shoreline, other lakes, or any permanent stream except in the following circumstances: ... (c) a proposal for an on-site sewage system or subsurface sewage works that relates to a development proposal for only one dwelling, where the proposal would have been permitted by the applicable zoning by-law, as of the effective date of the Plan.*" Please confirm if a private septic system is being proposed for the subject development.

Summary

Based on our review of the submitted information in support of the application, the proposal is not consistent or in conformity with the natural heritage policies of the applicable Provincial and Regional plans. On this basis, we have recommended deferral of the approval of these applications for Minor Variance and severance until conformity with these policies has been demonstrated.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 5.2 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 does not apply to the subject site. A permit from the LSRCA will not be required prior to any development taking place;
3. Conformity with Section 6.23 of the Lake Simcoe Protection Plan has not been demonstrated.

Please inform this office of any decision made by the Town of Innisfil with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (s.payne@lsrca.on.ca).

Sincerely,

A handwritten signature in black ink, appearing to read 'S Payne', written in a cursive style.

Steven Payne
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)