

Summary of Comments

B-011-2024

228 Big Bay Point Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-011-2024
ASSOCIATED FILE: A-057-2024 & A-058-2024
MEETING DATE: March 20, 2025
TO: Sarah Burton Hopkins, Secretary Treasurer Committee of Adjustment
FROM: Keirsten Morris, Senior Planner
SUBJECT: Consent to sever 228 Big Bay Point Road to create two new residential lots.

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 application B-011-2024 until such time that the applicant demonstrates consistency and conformity with Provincial and Town Official Plan policies as detailed in these comments; and consistency with the Lake Simcoe Protection Plan (LSPP) policies as identified in comments received from the Lake Simcoe Conservation Authority (LSRCA) dated March 13, 2025.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 228 Big Bay Point Road to create two new residential lots. The first severed lot is proposed to have a lot frontage of 25.3m and an approximate lot area of 2526m². The second severed lot is proposed to have a lot frontage of 7.6m and an approximate lot area of 2875m². The retained lot is proposed to have a lot frontage of 7.6m and an approximate lot area of 3021m². This application is to be heard in conjunction with minor variance applications A-057-2024 and A-058-2028 for deficient lot frontage of the second severed lot and retained lot.

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
Consistent with the Provincial Planning Statement (PPS): <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located outside of a settlement area and considered Rural Lands by the Provincial Planning Statement, 2024 (PPS). Section 2.6.1 c) of the PPS indicates that residential development, including lot creation, is permitted on rural lands where site conditions are suitable for the provision of appropriate sewage and water services. Section 2.6.2 of the PPS states that development that can be sustained by rural service levels should be promoted.</p> <p>Section 3.6.4 of the PPS states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.</p> <p>Section 4.1 of the PPS includes policies that apply to natural heritage features. Development and site alteration is not permitted within natural heritage features or within adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions per 4.1.4 and 4.1.8 of the PPS. As the subject lands contain portions of significant woodland and are within 120m to Lake Simcoe, the policies of Section 4.1 of the PPS are applicable.</p> <p>The severed and retained lots are proposed to be serviced by individual private septic systems and individual wells. A hydrogeological study must be submitted to confirm site conditions are suitable for the provision of private servicing and that no negative impacts will occur. Staff recommend deferral of the application until such time that it is demonstrated through a hydrogeological study that site conditions are suitable for the provision of private servicing and no negative impacts will occur and a Natural Heritage Evaluation scoped to the satisfaction of Lake Simcoe Region Conservation Authority (LSRCA) is provided.</p>
Consistent with the Lake Simcoe Protection Plan (LSPP): <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located outside of a settlement area and are in proximity to Lake Simcoe (approximately 60m). The lands are subject to policies of the Lake Simcoe Protection Plan (LSPP). The Lake Simcoe Conservation Authority (LSRCA) have reviewed the application and have determined that the proposal has not demonstrated consistency with the natural heritage policies of the LSPP, specifically Sections 4.15 DP and 6.23 DP of the LSPP as indicated in LSRCA's comments. Staff are recommending deferral of the application until such time that the LSRCA's comments have been addressed and consistency with the LSPP has been demonstrated.</p>
Conforms to the County of Simcoe Official Plan: <input type="checkbox"/> Yes	<p>The subject lands are designated 'Rural' on Schedule 5.1 of the Simcoe County Official Plan (SCOP). Section 3.7.8 of the SCOP permits limited residential development to be created by consent provided the lots are restricted in size (maximum size of 1ha) and</p>

<input type="checkbox"/> No	<p>that the number of lots on the grid road system is restricted in order to maintain the rural character and road function and to avoid strip development.</p> <p>Staff will provide further analysis of SCOP conformity in a future memorandum to the Committee of Adjustment once natural heritage policies and Town OP policies have been addressed to the satisfaction of Town Planning Staff and the LSRCA.</p>
<p>Conforms to the Town of Innisfil Official Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated Shoreline Residential Area on Schedule B11 to the Town Official Plan and are within the Natural Heritage System Overlay.</p> <p>Section 19.2.3 of the OP states the lot density of the Shoreline Residential Area should generally be in the range of 2.5 units per net hectare to a maximum of 3 new lots in areas where municipal servicing is not available, and the specific density should be confirmed through a hydrogeological study that assess the assimilative capability of the soils and subject to 19.2.9. Staff have calculated the approximate density as 3.35 units per net hectare and require a hydrogeological assessment to be submitted in accordance with this policy in order to confirm that the density can be supported on private services.</p> <p>Section 19.2.9 of the OP indicates that new infill lots may be permitted in the Shoreline Residential Area designation by severance subject to a number of criteria being met including but not limited to a maximum of 3 lots are created, direct frontage in a traditional lot pattern is provided to an open and maintained public road, the feasibility of a private water supply is demonstrated through a hydrogeological study that confirms sufficient groundwater supply, the applicable density policies are addressed (19.2.3), the creation of new residential lots does not result in strip development.</p> <p>As the lots are proposed on individual septic systems, Section 19.1.17 and 16.3.12 also apply. Policy 19.1.17 states new lots shall not be approved unless a hydrogeological study is completed indicating that the MOECP reasonable use guidelines for septic systems can be met, a tertiary treatment system is used, confirmation of sufficient reserve sewage capacity within the Town’s sewer treatment systems for hauled sewage from the private systems and the applicant enters into an agreement with the Town to pay for eventual connection to a municipal water and/or sanitary system if such system is installed within the municipal road allowance abutting the property.</p> <p>16.3.12 does not permit new on-site sewage systems or subsurface sewage works within 100m of the Lake Simcoe Shoreline for new lots created by consent. The proposed retained lot (Lot 3) on the Concept Plan submitted appears to be within 100m of Lake Simcoe and therefore a new on-site sewage system is not permitted. Staff are recommending deferral of the application until conformity with</p>

	<p>this policy is demonstrated to the satisfaction of Town Planning Staff and the LSRCA, as noted in their comments.</p> <p>Section 17.1 applies to the Natural Heritage System overlay. New development, including lot creation, must demonstrate through a Natural Heritage Evaluation (NHE) that there are no negative impacts on key natural heritage features or key hydrologic features or their functions, connectivity between natural heritage features is maintained and enhanced, removal of natural heritage features is avoided, and at least 30% of the total developable area will remain or be returned to natural self-sustaining vegetation.</p> <p>Sections 15.1.6. and 15.1.7 state a Tree Protection Plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot, including any trees removed five years prior to the development application.</p> <p>Conformity with the above noted policies has not been demonstrated. Staff are therefore recommending deferral to allow the applicant to demonstrate conformity with policies 19.1.17, 19.2.3, 19.2.9, 16.3.12 and 17.1 of the Official Plan to the satisfaction of Town Planning Staff and LSRCA. Staff recommend a hydrogeological study is completed to confirm conformity with Sections 19.2.3, 19.2.9 and 19.1.17.</p>
<p>Complies with the Town Zoning By-law: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<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 and minimum 1400m² lot area for lots on private servicing. One of the severed lots and the retained lot do not comply with the lot frontage standard for the R1 Zone. comply with the minimum required lot frontage for the R1 zone. Two minor variance applications have been submitted to seek relief from the minimum lot frontage requirement of 22m.</p> <p>Staff will provide further analysis of Zoning By-law compliance in a future memorandum to the Committee of Adjustment once natural heritage policies and Town OP policies have been addressed to the satisfaction of Town Planning Staff and the LSRCA.</p>
<p>Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff will provide further analysis of Section 2, 51(24) and 53(12) of the Planning Act in a future memorandum to the Committee of Adjustment once natural heritage policies and Town OP policies have been addressed to the satisfaction of Town Planning Staff and the LSRCA.</p>

CONCLUSION:

The Planning Department recommends deferral of application B-011-2024 as detailed herein.

PREPARED BY:

Keirsten Morris
 Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: January 16, 2025

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

FILE/APPLICATION: B-011-2024

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).



Engineering

MEMORANDUM TO FILE

DATE: January 23, 2024

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

FILE/APPLICATION: B-011-2024

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. When applying for a building permit for a new dwelling, please submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.

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. Tree compensation shall be provided in accordance with the Town Standards.

MEMORANDUM TO FILE

DATE: January 14, 2024

FROM/CONTACT: Codi Bissette, codib@innpower.ca

FILE/APPLICATION: B-011, A-057 and 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):

Applicant shall submit service layout application 6-month or greater prior to ideal in service date. Upon receiving service layout application, system capacity will be reviewed. Applicant shall be aware the installation of new padmounted transformers and an underground system expansion from Big Bay Point Road will likely be required to service these proposed dwellings.

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)





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.

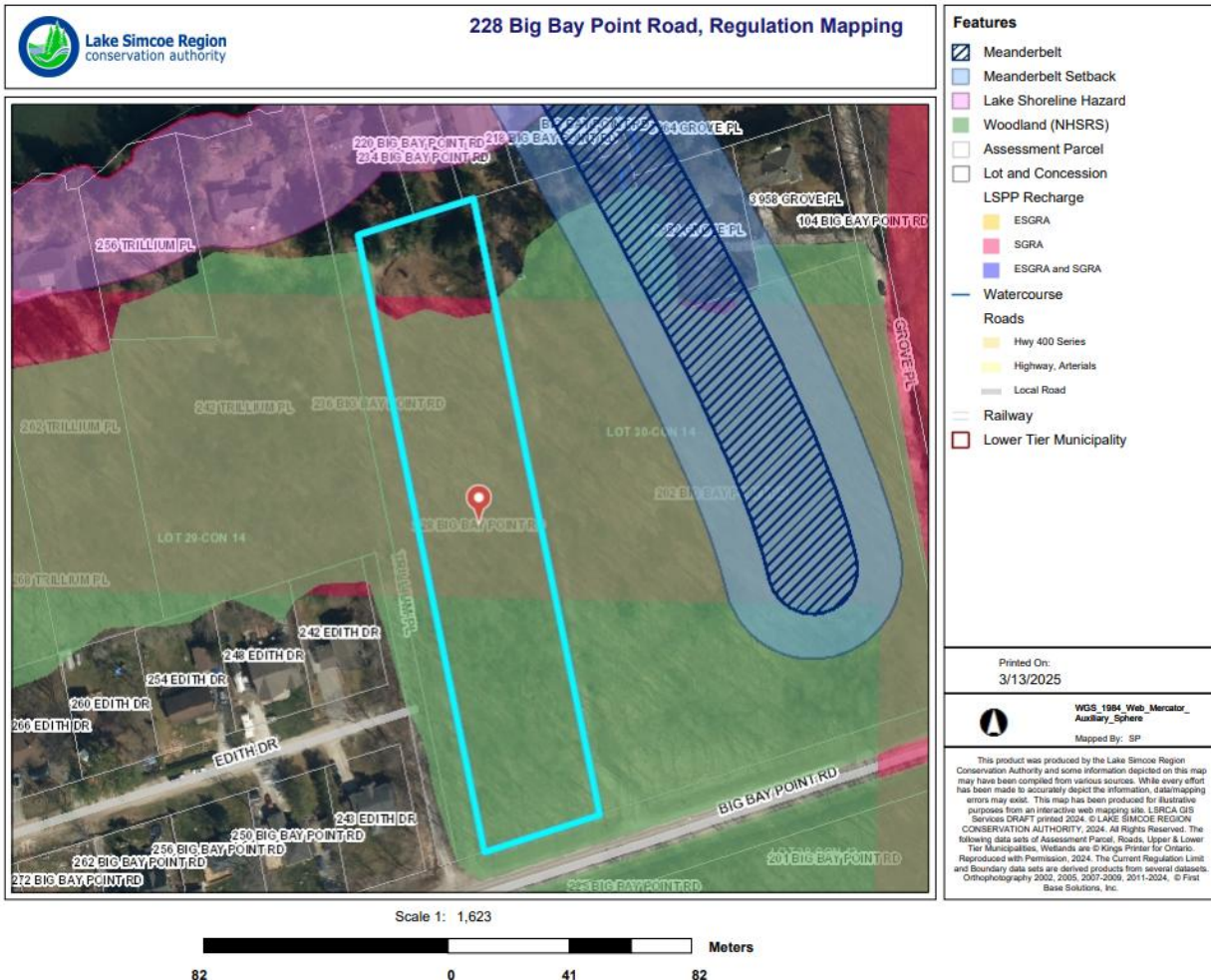
- The Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Major – technical review required) \$2,079;

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,



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