

# **Summary of Comments**

**A-035-2025**

**7131 5<sup>th</sup> Sideroad**



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-035-2025  
**RELATED APPLICATION:** B-007-2025  
**MEETING DATE:** July 17, 2025  
**TO:** Sarah Burton Hopkins, Secretary Treasurer Committee of Adjustment  
**FROM:** Keirsten Morris, Senior Planner  
**SUBJECT:** Minor variance application A-035-2025 seeking relief from Section 3.34 f) i) of Zoning By-law No. 080-13 to permit outdoor storage within the Primary Visual Impact Area.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	7131 5 <sup>th</sup> Sideroad
<b>Legal Description</b>	INNISFIL CON 7 PT LT 6 RP 51R-44530 Parts 1, 2 AND 4
<b>Official Plan</b>	Employment Area and Key Natural Heritage Features/ Key Hydrologic Features (KNHFs/KHFs) (Schedule B6)
<b>Zoning By-law</b>	Industrial Business Park (IBP) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-035-2025, subject to the following conditions:

### CONDITIONS:

1. That consent application B-007-2025 be approved.
2. That the variance only applies to the proposed 3 hectare severed lot (Lot 2) proposed through application B-007-2025.

### REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands to create three industrial lots. On one of the proposed severed lots (Lot 2), the applicant is seeking relief from Section 3.34 f) i) of the Zoning By-law which prohibits outdoor storage on lands within the Primary Visual Impact Area. This application is to be heard in conjunction with application B-007-2025.

### SURROUNDING LANDS:

<b>North</b>	Industrial warehouse currently under construction, vacant lands
<b>East</b>	Highway 400, lands zoned Commercial Business Park
<b>South</b>	Industrial lands (IHL), 7 <sup>th</sup> Line, agricultural and rural residential lands

<b>West</b>	5 <sup>th</sup> Sideroad, agricultural lands
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**ANALYSIS:**

<b>Site Inspection Date</b>	July 3, 2025
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject lands are designated Employment Area on Schedule B6 of the Town of Innisfil Official Plan. A range of employment uses are permitted within the designation. The eastern portion of the subject lands closest to Highway 400 are located within the Primary Visual Impact Overlay. The portion of the lands that the proposed variance applies to (all of Lot 2) are fully located outside of the Primary Visual Impact Overlay of the Official Plan (this is distinct from the Zoning By-law which currently places all of the subject lands within a Primary Visual Impact Area, which is not consistent with the Official Plan and reflects a more historical zoning pattern that pre-dates the current 2018 Official Plan and has not yet been updated to conform to the Official Plan). Outdoor storage is not permitted on lands located within the Primary Visual Impact Overlay however it is permitted on lands that are designated Employment Area and are not located within the Primary Visual Impact Overlay. As the variance to permit outdoor storage only applies to Lot 2 which is fully located outside of the Primary Visual Impact Overlay as per the Official Plan mapping, and is permitted by the Employment Area designation policies, staff are of the opinion that the application conforms to the Town of Innisfil Official Plan, subject to the recommended conditions.</p>
<b>Maintains the purpose and intent of the Zoning By-law:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject lands are zoned Industrial Business Park (IBP) and are within the Primary Visual Impact Overlay of the Zoning By-law. As stated previously, the zoning limits of the Primary Visual Impact Overlay cover the entire property but the Official Plan limits only cover the eastern portion of the subject lands. A range of industrial and employment uses are permitted. Outdoor storage is permitted within the IBP zone on lands located outside of the Primary Visual Impact Area.</p> <p>Section 3.34 f) i) prohibits outdoor storage within the Primary Visual Impact Area. The intent of the Primary Visual Impact Area is to protect the visual image displayed along the Highway 400 corridor by ensuring land uses are designed to be visual appealing and to mitigate negative visual impacts resulting from large parking or storage areas.</p> <p>Lot 2 of the related severance application (B-007-2025) is proposed to be occupied by a prospective tenant which proposes an office, workshop and outdoor storage use on Lot 2. Lot 2 is located outside of the Primary Visual Impact Area of the Official Plan and is approximately 192m away from the Highway 400 corridor which mitigates visual impact from the Highway. In addition, vegetative screening and fencing will be required through a future site plan control application to facilitate the use on Lot 2 in accordance with Section 3.34 of the Zoning By-law which further mitigates visual impacts.</p> <p>In consideration of the above, the subject application complies with the Town's Zoning By-law, subject to the recommended conditions.</p>

<b>The variance is desirable for the appropriate/orderly development or use of the land:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	In the opinion of Staff, the variance is considered desirable for appropriate/orderly development of the land, subject to the recommended conditions. The application will facilitate an employment use supported by the Official Plan and Zoning By-law with visual impacts from Highway 400 mitigated by the distance the subject Lot is located from the highway as well as through required buffering that will be implemented through a future site plan control application.
<b>The variance is minor in nature:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Staff are of the opinion the variance is considered minor in nature, subject to the recommended conditions as the proposed use is located outside of the Primary Visual Impact Overlay of the Official Plan and no negative impacts to neighbouring properties are anticipated.

**CONCLUSION:**

The Planning Department recommends approval of application A-035-2025, subject to the recommended conditions.

**PREPARED BY:**

Keirsten Morris  
Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Planning



**BUILDING DEPARTMENT**

**MEMORANDUM TO FILE**

**DATE:**

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

**FILE/APPLICATION:** A-035-2025

**SUBJECT:** 7131 5th Sideroad

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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 the Building Department)

1. No comments.



Engineering

## MEMORANDUM TO FILE

**DATE:** July 17, 2025

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

**FILE/APPLICATION:** A-035-2025

**SUBJECT:** 7131 5<sup>th</sup> Sideroad

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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 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:

Date

**Municipal File No.: A-035-2025 and B-007-2025**  
**LSRCA File No.: VA-98278-070325**

**Sarah Burton Hopkins**  
**Development Coordinator & Secretary Treasurer**  
**of the Committee of Adjustments**  
**2101 Innisfil Beach Road**  
**Town of Innisfil, L9S 1A1**

Dear ,

**Re: Application for Minor Variance and Severance**  
**7131 5<sup>th</sup> Sideroad**  
**Town of Innisfil**  
**Owner: 7131 5<sup>th</sup> Sideroad Inc.**  
**Applicant: Kyle Gavin**

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 lands for the purpose of creating for the purpose of creating two industrial lots (lot 2 and 3) and associated stormwater management block. It is our understanding that the Applicant/Owner is requesting an application for minor variance to allow for the proposed development. The Applicant/Owner is seeking relief from the following section of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 3.4 (f) i) of the Zoning By-Law which prohibits outdoor storage within the Primary Visual Impact Area.

**Documents Received and Reviewed by Staff**

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

- Minor Variance Circulation Package (dated June 27, 2025)
- Severance Circulation Package (dated June 27, 2025)

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 consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of these applications for Minor Variance and Severance. It is recommended that any approval of this application be subject to the following conditions:

- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner will require a permit from the LSRCA for any development or site alteration occurring within the regulated area.

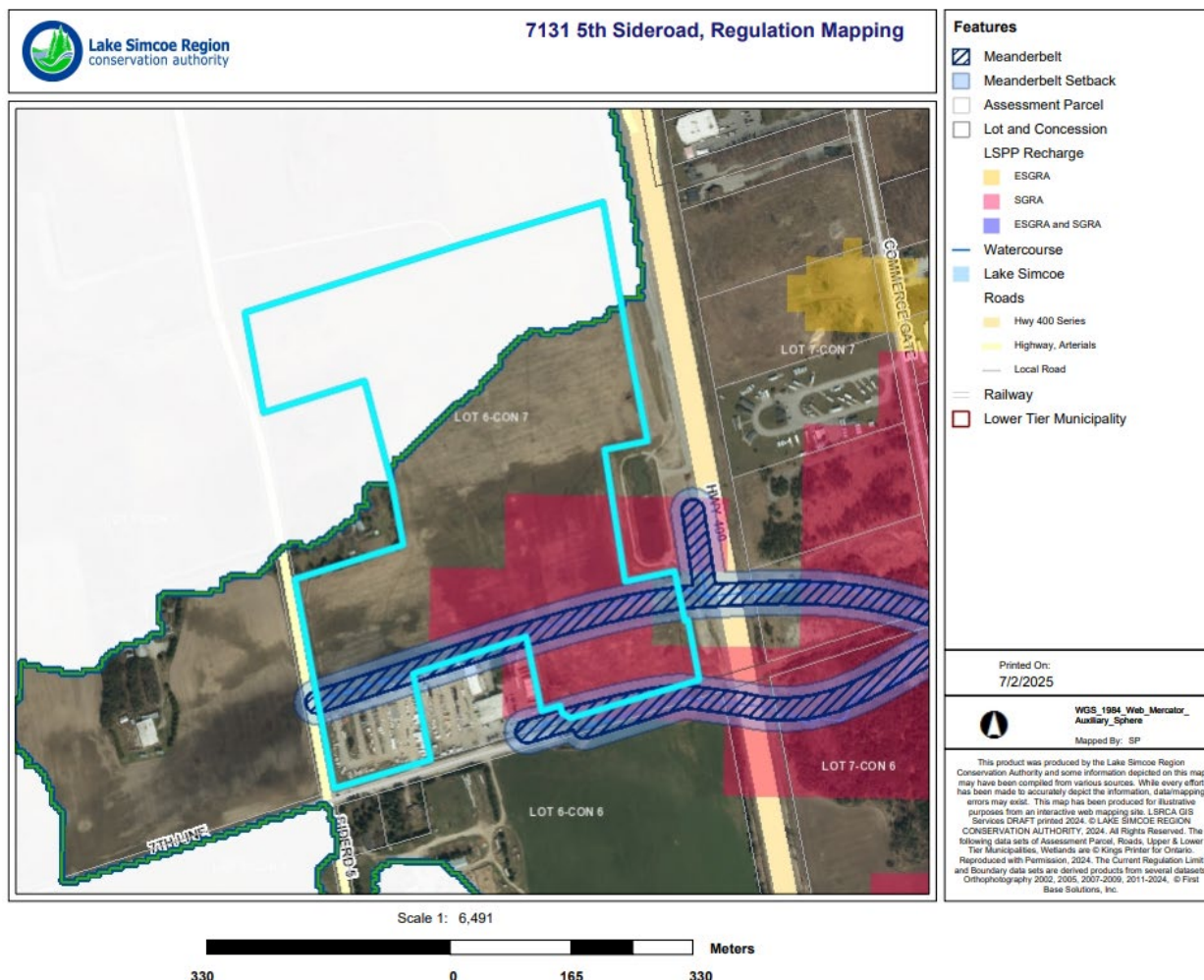
### **Site Characteristics**

The subject land is approximately 26.36 hectares in land area and is located west of Highway 400 and north of 7<sup>th</sup> Line within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the 'Industrial Business Park' (IBP) as per the Town of Innisfil interactive zoning.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for erosion hazard associated with Lovers Creek and an unevaluated wetland feature (located outside of LSRCA watershed). Please see a detailed regulatory map below.
- The subject property is located within a completed watershed or sub-watershed study area – Lovers Creek 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 identified natural hazards on the subject lands (erosion hazard area). 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 applies to a portion of the subject property. It appears that the applicant is not proposing any development in the regulated area at this time. However, a permit from the LSRCA will be required prior to any development or site alteration taking place.

#### **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. Please note that according to LSRCA mapping there appears to be an unevaluated wetland in the northeast corner of the subject property. There also appears to be an unevaluated wetland on adjacent lands (7089 5TH Sideroad) to the west of the property in which the buffer extends onto the subject project. Please contact the NVCA for more information about the wetland feature.

#### **Summary**

Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of these applications for Minor Variance and Severance.

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 applies to the subject site. It appears there is not currently any proposed development in the regulated area, however the Applicant/Owner will require a permit from the LSRCA prior to any future development or site alteration occurring within the regulated area.
3. The Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance/Consent (Minor – planner review only) is \$536.

Please inform this office of any decision made by the Town of Innisfil regarding 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 ([a.mclean@lsrca.on.ca](mailto:a.mclean@lsrca.on.ca)).

Sincerely,



Alison McLean  
Planning Administrator  
Lake Simcoe Region Conservation Authority (LSRCA)

## **Resident Comments For 7131 5<sup>th</sup> Sideroad**

### **Public Comment #1**

I am the Solicitor for the Applicant and have been involved in the planning and legal process for the subject lands. I am aware of the difficulties that the Applicant experienced when developing these lands and the abutting lands to the north with the LSRCA and the NVCA. I act on the sale of the subject lot. Therefore my attendance will be to support the Planner who will proceed with the deputation and add any information required by the committee.