



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING
APPLICATION NO. B-010-2022**

TAKE NOTICE that an application has been received by the Town of Innisfil from **Brad Rogers, Applicant**, on behalf of **Pasquale Marzilli, Owner**, for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended for a consent to a conveyance of property for residential purposes.

The subject property is described legally as **PLAN 1418 LOT 47 TO 50**, is known municipally as **668 10th Line**, and is zoned as **"Residential 1 Zone (R1)"** and **"Environmental Protection (EP)"**.

The applicant is proposing to sever a portion of the subject lands for the purpose of creating a new residential lot. The severed lands will have a proposed lot area of 860 m². The retained lands will have a proposed lot area of 4060 m².

The Committee of Adjustment for the Town of Innisfil will consider this application through a conference call on **Thursday, September 15, 2022, at 6:30 PM.**

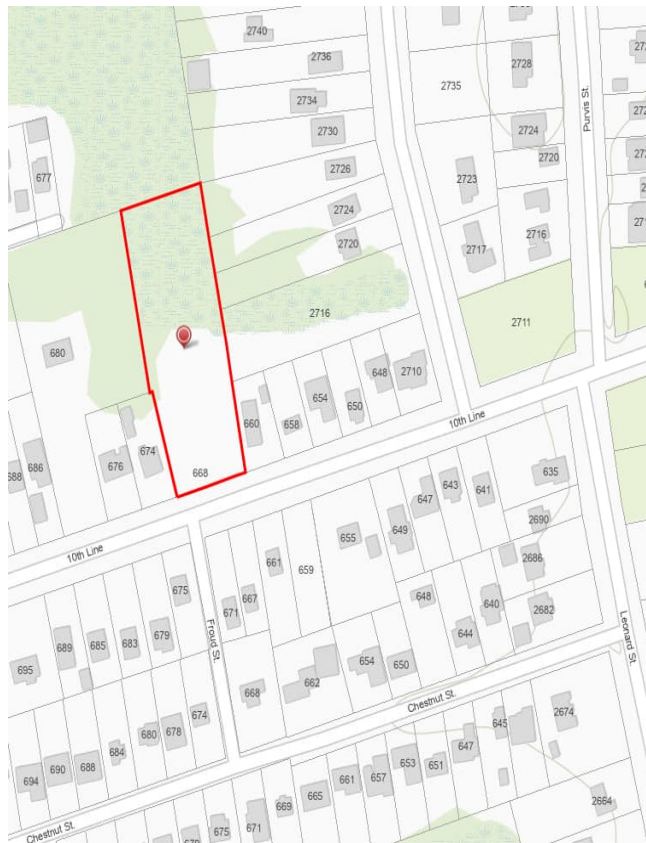
To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code:

<https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx>

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to planning@innisfil.ca.

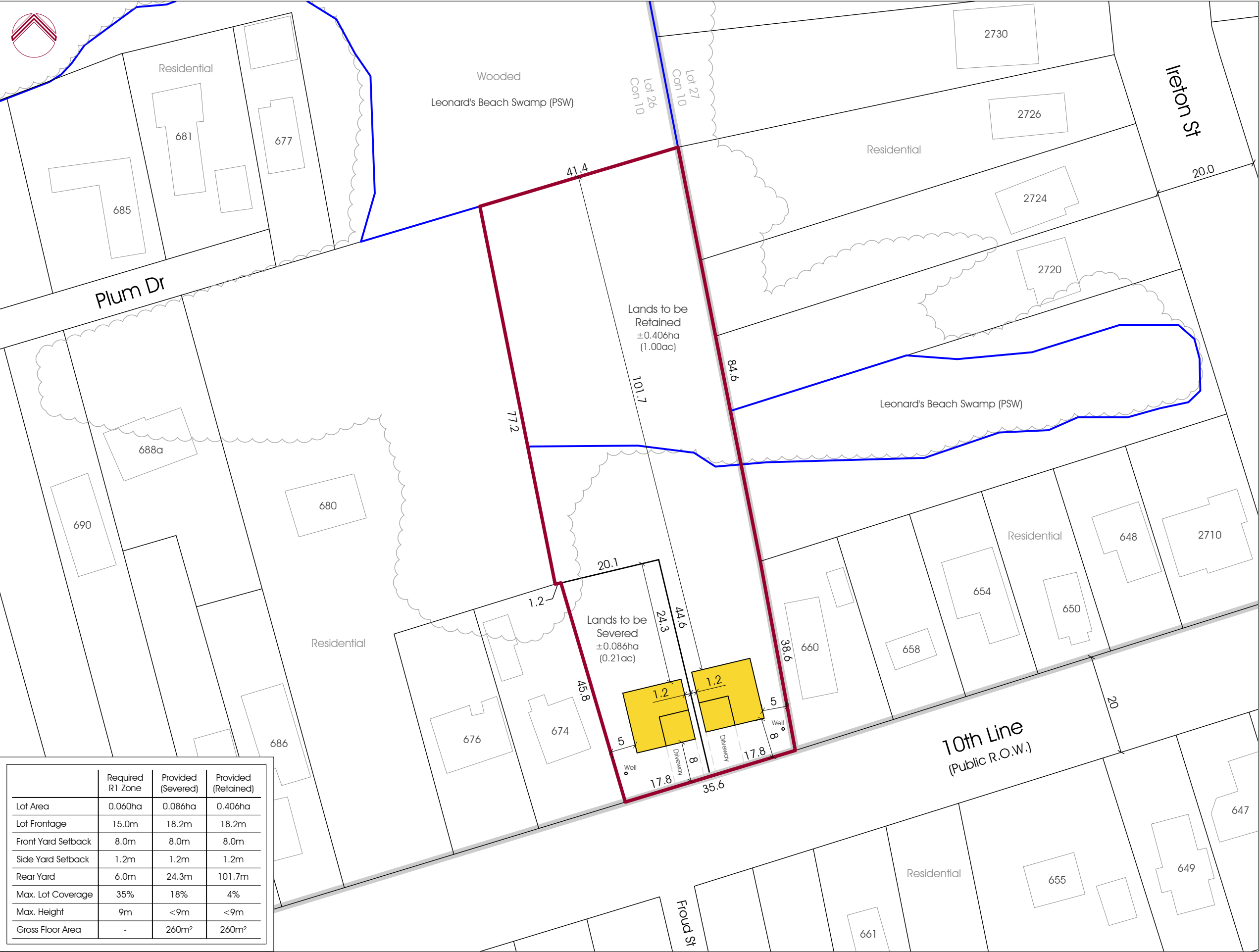
If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.

Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.



Dated: August 25, 2022

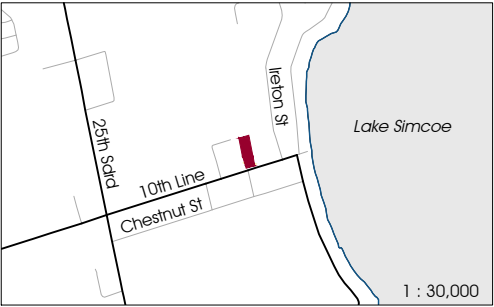
Toomaj Haghsheenas,
Secretary Treasurer
thaghsheenas@innisfil.ca
705-436-3710 ext. 3316



	Required R1 Zone	Provided (Severed)	Provided (Retained)
Lot Area	0.060ha	0.086ha	0.406ha
Lot Frontage	15.0m	18.2m	18.2m
Front Yard Setback	8.0m	8.0m	8.0m
Side Yard Setback	1.2m	1.2m	1.2m
Rear Yard	6.0m	24.3m	101.7m
Max. Lot Coverage	35%	18%	4%
Max. Height	9m	<9m	<9m
Gross Floor Area	-	260m ²	260m ²

CONSENT SKETCH

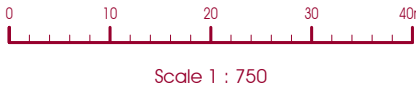
668 10th Line
Part of Lot 26 Concession 10
Town of Innisfil, County of Simcoe



Legend

- Subject Lands
Lot Area: ±0.492ha (1.22ac)
Lot Frontage: ±36.4m
- Lands to be Severed
Lot Area: ±0.086ha (0.21ac)
Lot Frontage: ±18.2m
- Lands to be Retained
Lot Area: ±0.406ha (1.00ac)
Lot Frontage: ±18.2m
- Potential Single Detached Dwellings
- Leonard's Beach Swamp (PSW)
- Wooded Area

Note: This drawing is for discussion purposes only.
Building and well locations are conceptual.
Source: County of Simcoe Interactive Map.

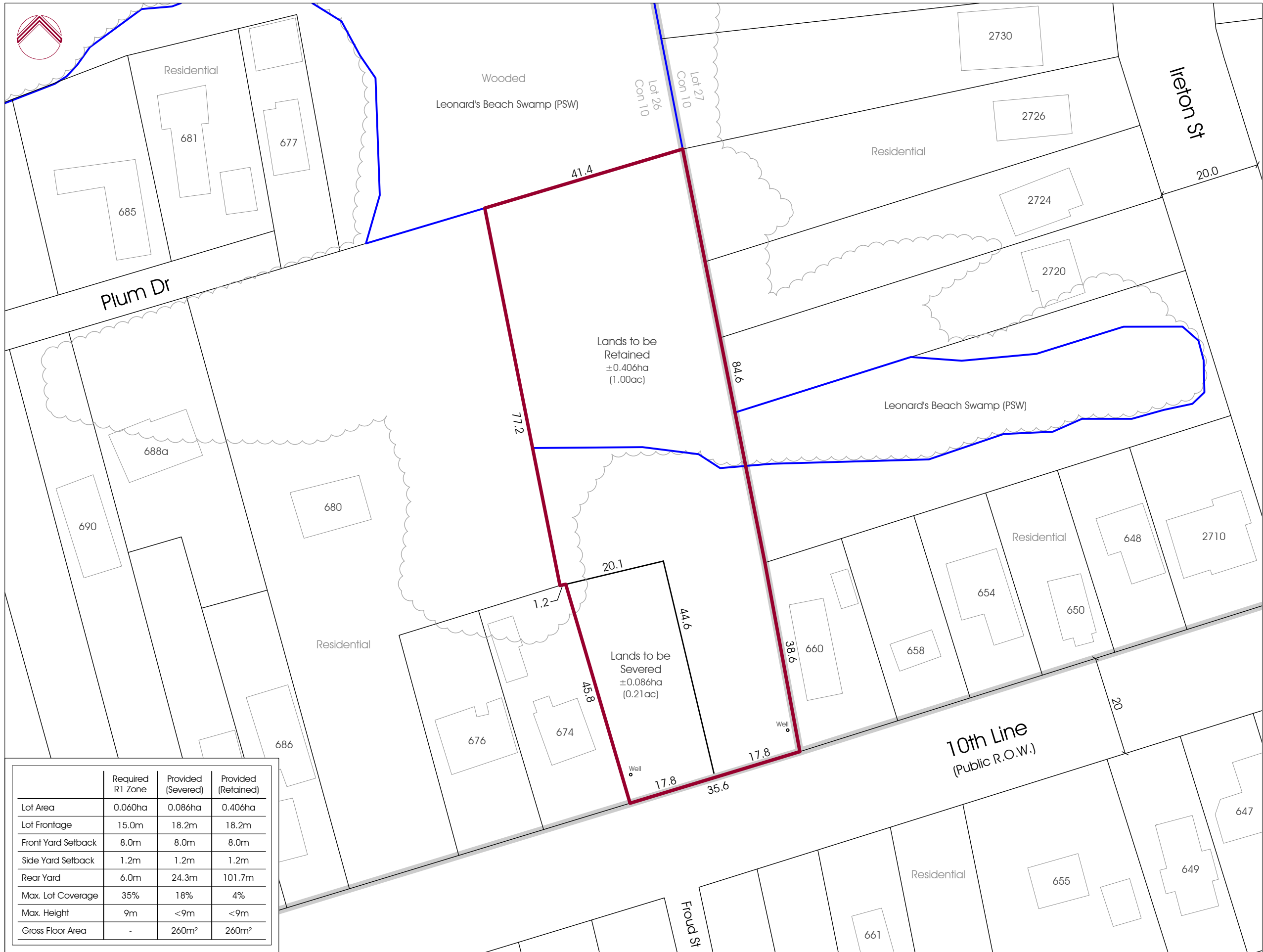


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groundswell
URBAN PLANNERS INC.

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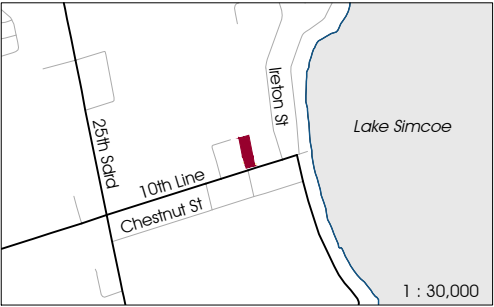
20-09 am Dec. 21, 20








	Required R1 Zone	Provided (Severed)	Provided (Retained)
Lot Area	0.060ha	0.086ha	0.406ha
Lot Frontage	15.0m	18.2m	18.2m
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Max. Lot Coverage	35%	18%	4%
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Gross Floor Area	-	260m ²	260m ²

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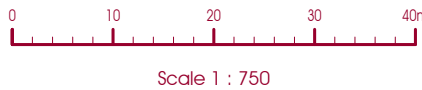
668 10th Line
Part of Lot 26 Concession 10
Town of Innisfil, County of Simcoe



Legend

-  Subject Lands
Lot Area: ±0.492ha (1.22ac)
Lot Frontage: ±36.4m
-  Lands to be Severed
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Lot Area: ±0.406ha (1.00ac)
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-  Leonard's Beach Swamp (PSW)
-  Wooded Area

Note: This drawing is for discussion purposes only.
Building and well locations are conceptual.
Source: County of Simcoe Interactive Map.



10 m 0 10 20 30 40 50 meters
SCALE 1 : 500

LOT 46
P.I.N. 58080 -0172(LT)

N73°00'20"E 41.45(P1)
N72°42'05"E 41.40(Meas)

SIB(769)

LOT 47
P.I.N. 58080-0171(LT)

LOT 48
P.I.N. 58080-0170(LT)

LOT 49
P.I.N. 58080-0169(LT)

LOT 50
P.I.N. 58080-0168(LT)

LOT 51

SIB(381)
FENCE 0.75

REGISTERED PLAN 764

LOT 63

OT 62

OT 61	OT 60
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ROAD ALLOWANCE BETWEEN CONCESSIONS 9 AND 10
(KNOWN AS 10TH LINE) P.I.N. 58080-0002(LT)

ACAD FILE: 21328-1.DWG. DATE: JANUARY 26, 2022

June 8, 2022
File No. 20-09

Town of Innisfil
Planning Services
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1

**Reference: Committee of Adjustment
 Consent Application
 668 10th Line, Innisfil**

Groundswell Urban Planners Inc. (Groundswell) were retained by the owner of the lands municipally known as 668 10th Line (subject property) to submit an Application for Consent in the Town of Innisfil.

A virtual meeting was held with Nicholas Skerratt, Secretary-Treasurer at the Town of Innisfil on September 2020 to inform of the proposed severance and submission requirements (enclosed within) to support this Application for Consent. Furthermore, in consultation with the Lake Simcoe Conservation Authority (LSRCA) a Natural Heritage Evaluation has been prepared and is enclosed as part of the application submission.

The initial Consent Application following this consultation was submitted in January 2021, and went to the Committee of Adjustment on March 18, 2021 (Town Application Number B-008-2021). The Consent Application was approved by the Committee on March 18, 2021, and a copy of this Notice of Decision is included as *Appendix 1*.

Unfortunately, due to unforeseen circumstances, the conditions of approval were not satisfied within the prescribed 1 year period following the Notice of Decision. We are therefore resubmitting the exact same proposal and Consent Application to the Committee of Adjustment, seeking reapproval.

The following supporting materials are included in the submission package:

- Signed application forms;
- Proposed Consent Sketch;
- Conceptual Proposed Dwelling Footprint plan (information only);
- Draft Reference Plan;
- Natural Heritage Evaluation (NHE);
- Grading Plan;
- Scoped Hydrogeological Assessment;
- Stormwater Management Report; and
- Tree Inventory and Preservation Plan/Report.

The conditions of the March 18, 2021 approval included the submission of the Draft R-Plan, Grading Plan, Scoped Hydrogeological Assessment, Stormwater Management Report and Tree Inventory



and Preservation Plan/Report. As these materials have since been prepared in the initial efforts to satisfy these conditions, they have been included as part of this reapplication.

Bill 276

As noted above, the conditions of approval were not satisfied within the prescribed 1 year period that was the statutory time period at that time.

Since these approvals occurred, Bill 276 was introduced to bring forward amendments to the *Planning Act* and received proclamation on January 1, 2022. Specifically, Bill 276 amended Section 53(41) of the *Planning Act* to provide that the period for satisfying conditions under a provisional consent is now 2 years after which, if unfulfilled, the application for consent is deemed to have been refused.

This new two year period alleviates the pressure to address all conditions within the originally restrictive one year timeframe.

However, once the application has been deemed refused, section 53 (41.1) states that the application gets no benefit from the new legislation, and we are therefore required to be resubmitting the Consent Application associated with this Cover Letter.

Site Description and Proposed Consent

The subject property is municipally known as 668 10th Line and is 0.49 hectares (1.2 acres) in size and has a frontage of 36.4 metres. The subject property is currently vacant and has municipal sanitary services. The rear portion of the subject property is traversed by woodland associated with wetland habitat (Leonard's Beach Swamp Provincially Significant Wetland) as detailed in the accompanying Natural Heritage Evaluation (NHE). Surrounding land uses are single detached dwellings to the west and east and 10th Line abutting the subject property to the south. The Lake Simcoe shoreline is approximately 240 metres from the eastern property line.

The supporting NHE identified the potential functions associated with Key Natural Heritage Features and Key Hydrologic Features present on the subject property and determined if potential impacts to those features and functions could arise from the proposed severance and future development.

The owner is seeking to sever the subject property that will result in two lots. The lands to be severed will have a lot area of 0.086 hectares (0.21 acres) and a frontage of 17.8 metres directly across 10th Line. The lands to be retained will have a lot area of 0.40 hectares (1 acre) and a frontage of 17.8 metres directly across 10th Line. The proposed lands to be severed have taken into consideration the existing natural heritage features and in order to reduce fragmentation of these features, the resulting lots vary in size as shown on the accompanying Consent Sketch in order to contain the entire feature within the retained land holdings.

Town of Innisfil Official Plan (November 2018)

The subject property is designated **Shoreline Residential Area** in accordance to Schedule B: Land Use and Schedule B14 Land Use: Leonards Beach Shoreline within the Town's Official Plan. In accordance to Schedule BB: Agricultural Land Base, the subject property is found within the Innisfil Municipal Boundary. The abutting properties to the west, east and south of the subject property are



also designated Shoreline Residential Area. Immediately abutting the subject property to the north is the *Key Natural Heritage Features & Key Hydrologic Features* land use designation. This designation in accordance to Policies 17.1.4 and 17.1.5 includes but not limited to provincially significant wetlands, significant woodlands and permanent and intermittent streams among other features.

The subject property being within the Shoreline built-up areas permits growth which shall be limited in scale to infill and minor rounding out where minor rounding out shall not exceed 3 new lots per property (Policy 19.1.4). The **Shoreline Residential Area** permits limited infill residential development subject to all applicable policies and the Community Planning Permit System (Policy 19.2.1) of single detached dwellings, accessory structures, accessory second dwelling units, home occupations, parks and bed and breakfast establishments (Policy 19.2.2).

The Community Planning Permit Area is for parcels of land abutting Lake Simcoe (i.e. with frontage on Lake Simcoe) including lots with direct access across a public road or private land where these lots are functionally connected to Lake Simcoe (Policy 19.3.1); from our understanding this policy is not applicable since the subject property does not abut or is functionally connected to Lake Simcoe.

As provided by Policy 19.2.9:

New infill lots may be permitted by severance or plan of subdivision subject to the following:

- I. *a maximum of 3 new lots are provided except where zoning or designations existing as of June 16 2006 permitted a greater number of lots;*

A maximum of two new lots are proposed.

- II. *direct frontage in a traditional lot pattern is provided to an open and maintained public road;*

Direct frontage in a traditional lot pattern is provided onto 10th Line for both lots, which is an open and maintained public road.

- III. *where a private water supply is proposed, the feasibility of a private water supply is demonstrated to the satisfaction of the Town through a hydrogeological study that confirms sufficient ground water supply;*

A scoped hydrogeological study has been submitted with the application.

- IV. *where a private septic system is proposed, Policy 19.1.17 is satisfied;*

The subject property has municipal sanitary services.

- V. *where municipal water services and/or sanitary services are provided, confirmation of sufficient reserve capacity;*

This shall be provided at the applicable time of a development application submission.

- VI. *the density policies of Policies 19.2.3 through 19.2.5 are addressed where applicable;*

The proposed severance is for a total of two new lots whereby the maximum permitted is three lots. The lot pattern conforms to the surrounding lot fabric of the community and is in keeping with the character of this residential neighbourhood.

- VII. *a minimum 30 metre vegetation protection zone is provided for lots abutting Lake Simcoe; and*

The subject property does not abut Lake Simcoe. The NHE proposes an average Vegetation Protection Zone of 15 metres from the woodland limit as mapped by Birks NHC ecologists.

- VIII. *where the creation of new residential lots does not result in strip development.*

This severance does not result in strip development.

It is our opinion that the proposed severance satisfies the Town's Official Plan policies for consent within the **Shoreline Residential Area** of the subject property.

Town of Innisfil Comprehensive Zoning By-law 080-13

The subject property is found within two zones of By-law 080-13; the front half is zoned **Residential 1 Zone (R1)** and the rear half is zoned **Environmental Protection (EP)**. The R1 Zone permits single detached dwelling.

The zoning requirements for the **R1 Zone** with municipal sewer services as is the case for the subject property are as follows in comparison to the proposed severed and retained lands:

Zoning Standard	R1 Zone Requirements	Severed lands	Retained lands
Minimum Lot Area (Interior Lot)	600 m ²	860 m ²	4,060 m ²
Minimum Lot Frontage (Interior Lot)	15 m	18.2 m	18.2 m

It should be noted that By-law 080-13 defines lot frontage as the distance between the side lot lines measured 7.5 metres back from the front lot line and parallel to the chord of the lot frontage. With this definition in mind the proposed lot frontage for each proposed lot is calculated as 18.2 metres. The lot areas and frontages comply with the requirements of the respective R1 zone.

A high-level conceptual plan with proposed dwelling footprints on each lot has also been prepared to identify that the yard setbacks and lot coverage can also be complied with once a development plan is put in place. Any future proposed development on the lots created will be within the R1 Zone only. No development would be proposed within the EP Zone.

Official Plan of the County of Simcoe (December 29, 2016)

The subject property is found within the **Rural** land use designation of the County of Simcoe's Official Plan and abuts the **Greenlands** land use designation to the north. The **Rural** land use designation permits (Section 3.7.4) limited residential development (subject to Section 3.7.11).



Section 3.7.8 provides that limited residential development may be created by consent provided the following are satisfied:

- a) *Lots should be restricted in size in order to conserve other lands in larger blocks for agricultural uses or environmental purposes. Consent lots should be developed to an approximate maximum size of one hectare, except where larger sizes may be suitable because of environmental constraints or design considerations; and*

The resulting lots from the proposed severance are approximately 0.08 hectares for the severed lands and approximately 0.4 hectares for the retained lands. The lands to be retained would contain entirely the wetlands and woodlands of the subject property along the rear.

- b) *The number of lots on the grid road system shall be restricted in order to maintain the rural character and road function and to avoid strip development.*

The proposed consent would maintain the character of the neighbourhood and avoids strip development.

The Greenlands designation is likely a result of the PSW and woodlands found on the rear portion of the subject property. Policy 3.8.12 directs local municipal officials to “contain policies and mapping that implement the County’s Greenlands and natural heritage policies”. It should be noted that no development or site alteration is proposed within the **Greenlands** land use designation.

Conclusions

It is in our opinion that the proposed severance satisfies the consent policies of the Town and County Official Plans and also conforms to the zoning requirements of the respective R1 Zone.

This proposed severance and this reapplication remains the same as what the Committee previously approved on March 18, 2021.

In support of this severance application, the NHE identified a development envelope that protects the Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF) of the subject property and does not result in any ecological impacts to those functions associated with the features.

The overall potential ecological impacts are minimal and mitigatable provided the listed mitigation measures of the NHE report are applied accordingly. The proposed severance will maintain the entire wetland and woodlands of the subject property within the proposed retained lands. No proposed development including the lot severance is proposed within an KNHF or KHF. The resulting lot pattern is similar to abutting lots and is keeping with the character of the community.

An average Vegetation Protection Zone (VPZ) of 15 metres is proposed from the woodland limit mapped by Birks NHC ecologists would serve as a buffer to the features for further protection to the woodland wetland habitat.



The owner intends to work closely with Staff to proceed with the necessary land use approval. We look forward to your review and comments on this development proposal, and we are pleased to respond to any questions you may have.

Sincerely,

GROUNDSWELL URBAN PLANNERS INC.

A handwritten signature in black ink, appearing to read 'H. Purtell-Sharp'.

Heath Purtell-Sharp, MCIP, RPP
Planner
heath@groundswellplan.com



APPENDIX 1 – Notice of Decision (March 18, 2021)



Committee of Adjustment
Decision
Consent
Application No. B-008-2021

Hearing Date: March 18, 2021
Legal Description: PLAN 1418 LOT 47 TO 50

Decision Date: March 18, 2021
Municipal Address: 668 10th Line

This is in the matter of an application made pursuant to Section 53 of the Planning Act by **GROUNDS WELL PLAN C/O BRAD ROGERS AND LUCILA SANDOVAL ON BEHALF OF PASQUALE MARZILLI, OWNER** for consent to severance of property.

The applicant is proposing to sever a portion of 668 10th Line to create a new residential lot. The severed lot will have an approximate lot area of 849m² and an approximate lot frontage of 17.8m. The retained lot will have an approximate lot area of 4046m² and an approximate lot frontage of 17.8m.

- ☒ The Committee is of the opinion the application is in keeping with Section 45 of the Planning Act, is further satisfied that the application is desirable for the appropriate use of the subject property, is minor in nature, and that the intent and purpose of the Official Plan and Zoning By-law have been maintained.
- ☐ The Committee is of the opinion the application is not in keeping with Section 45 of the Planning Act and that the intent and purpose of the Official Plan and Zoning By-law have not been maintained. The Committee is further not satisfied that the application is desirable for the appropriate use of the subject property, or that it is minor in nature.
- ☐ The application be deferred.
- ☒ The Committee of Adjustment has considered all written and oral/or submissions received before and/or during the hearing as part of their decision.

Rod Hicks, Chair

Harry Eisses, Member

Sarah Oetinger, Member

Marnie Adam, Member

John Raimondi, Member

- ☒ See attached condition(s) of approval
- ☐ No conditions

The applicant shall have one year to obtain the necessary permits which are the subject of this application, or the application shall be deemed to have been refused.

If applicable, the owner/applicant is responsible for any legal fees and must submit to the Legal Services Department a deposit prior to the preparation of any documents (road widening, easement, agreements). The owner/applicant will be invoiced for any additional fees over and above the deposit and will be reimbursed for

I, Nicholas Skerratt, Secretary Treasurer of the Committee of Adjustment do hereby certify that the above is a true copy of the decision of the Committee of Adjustment for Application No. B-008-2021 rendered on March 19, 2021.



Nicholas Skerratt,
Secretary-Treasurer
Committee of Adjustment

NOTICE OF LAST DATE OF APPEAL

Notice is given that the last date for appealing this decision to the Local Planning Appeal Tribunal is April 7, 2021.

In accordance with Section 17 (36) of the Planning Act, you may appeal to the Local Planning Appeal Tribunal (LPAT) against the decision by filing with the Secretary Treasurer of the Committee of Adjustment a notice of appeal setting out written reasons in support of the appeal and accompanied by a certified cheque or money order made payable to the Minister of Finance, in the amount of \$400 being the current fee prescribed by the Tribunal under the Local Planning Appeal Tribunal Act. The LPAT prescribed Appellant Form (A1) must be filed with any appeal to the Local Planning Appeal Tribunal. This form is available online at www.forms.ssb.gov.on.ca.

Alternate accessible formats will be provided, on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Nicholas Skerratt, Secretary Treasurer of the Committee of Adjustment.

Disclaimer: Due to the COVID-19 pandemic, all appeals filed must be submitted to the Town in accordance to Planning Act Regulations. Any appeals received by the Town will be held until LPAT resumes appeal hearings in accordance with the Emergency Order and O. Reg. 149/20.

Notice of this decision of the Committee of Adjustment was given on **March 19, 2021**.



Application No. B-008-2021

Hearing Date: March 18, 2021

Decision Date: March 18, 2021

Legal Description: PLAN 1418 LOT 47 TO 50

Municipal Address: 668 10th Line

CONDITIONS:

General

1. That all taxes, local improvements, and/or other charges, both current and in arrears be paid for the calendar year to the satisfaction of the Treasurer/Chief Finance Officer;
2. The applicant shall submit to the Secretary Treasurer of the Committee of Adjustment a reference plan of survey, both hard copy and digital format, duly deposited in the Office of the Land Registrar, (this shall include two hard copies as well as a digitized copy), which sets out the lands which are the subject of this application;
3. The applicant shall submit to the Secretary Treasurer of the Committee of Adjustment a draft Transfer deed for review. (Upon registration, a final copy of the Transfer deed shall be provided to the Town);

Planning

4. That the recommendations of the Natural Heritage Evaluation be complied with;
5. That the Owner/Applicant shall make a cash contribution to the Town of Innisfil in the amount of \$500.00 towards the cost of a new street tree;
6. That the Owner/Applicant shall pay to the Town of Innisfil cash-in-lieu of 5% Parkland Dedication the amount of which shall be 5% of a valuation determined by a professional, and qualified appraiser engaged by the Owner/Applicant to the satisfaction of the Secretary Treasurer;

Engineering

7. The Applicant/Owner shall prepare and submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town;
8. The Applicant/Owner shall undertake and submit a tree inventory, tree preservation, and tree compensation plan to the satisfaction of the Town;
9. The Applicant/Owner shall undertake a scoped hydrogeological assessment in accordance with Town Standards and to the satisfaction of the Town;
10. The Applicant/Owner shall enter into a right-of-way activity permit (RAP) prior to the issuance of building permit(s) and to the satisfaction of the Town and/or InnServices.

InnServices

11. That the Owner/ Applicant confirm that the existing sanitary conveyance and treatment system can accommodate the required flows that will be generated by the severed lot at the expense of the Owner/Applicant to the satisfaction of InnServices.



Nick Skerratt,
Secretary Treasurer
Committee of Adjustment
2101 Innisfil Beach Road
Innisfil, Ontario L9S 1A1