

Summary of Comments

A-049 & B-008-2022 – 2196 Gordon
Street



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-008-2022
ASSOCIATED FILE: A-049-2022
MEETING DATE: July 21, 2022
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Vanessa Witt, Senior Planner
SUBJECT: Consent to sever 2196 Gordon Street to create one new residential lot.

PROPERTY INFORMATION:

Municipal Address	2196 Gordon Street
Legal Description	M347 LOT 1
Official Plan	Village Residential (Schedule B7)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-008-2022, subject to the following conditions:

CONDITIONS:

- 1.) That the Owner/Applicant shall pay to the Town of Innisfil cash in lieu of 5% Parkland Dedication for residential developments, 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.
- 2.) That existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. A Tree Preservation/Planting Plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, and location of new trees and tree protection measures during construction of the new dwelling and driveway.
- 3.) That \$500.00 be provided to the Town of Innisfil for a new boulevard tree.
- 4.) That the Owner/Applicant shall submit a scoped Hydrogeological Study to assess the assimilative capability of the soils for a private sewage disposal system and confirm a septic system can function on the proposed severed and retained lands.
- 5.) That the Owner/Applicant obtain written confirmation from InnServices that there is sufficient municipal water capacity as per Section 10.5.6(iv) of the Official Plan.

- 6.) That the Owner/Applicant enter into an agreement with the Town to pay for eventual connection to a municipal sanitary system if such system is installed within the municipal road allowance abutting the property as per Section 10.5.6(vi) of the Official Plan.
- 7.) That Minor Variance Application A-049-2022 is approved.
- 8.) Prior to registering the severance transfer, the Town shall transfer to the owner, Reserve Block 136 on Plan 51M-347 to provide legal access.
- 9.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 2196 Gordon Street to create one new residential lot. The retained lands would have a lot area of 1400m² with a lot frontage of 34.89m along Gordon Street. The severed lot would have a lot area of 1338m² with a lot frontage of approximately 37.5m along Southview Avenue. This application is to be heard in conjunction with minor variance application A-049-2022 for a deficient lot area for the severed lot.

SURROUNDING LANDS:

North	Low density residential (2190 Gordon Street)
East	Gordon Street; low density residential (2195 Gordon Street)
South	Southview Avenue; low density residential (2197 & 2191 Southview Avenue)
West	Yonge Street

ANALYSIS:

Site Inspection Date	June 23, 2022
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the Settlement Area of Stroud as defined in the PPS. Section 1.1.3.1 states settlement areas shall be the focus of growth and development.</p> <p>Section 1.1.3.2 states that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion, and also states that land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with Section 1.1.3.3. Since the subject property is located within the settlement area of Stroud and represents intensification on a public street that contains single detached lots, most of which are similar in frontage and area, the proposal is consistent with these sections of the PPS.</p> <p>The application is considered to be consistent with the PPS, subject to the proposed conditions, which include a hydrogeological report</p>

	to ensure septic systems can function on the severed and retained lots.
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Stroud. Section 2.2.1.2(a) states the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The proposed lot is within the settlement area and complete community of Stroud, is limited residential development, and is proposed to be on municipal water servicing and a private septic system. Staff are of the opinion the proposal is consistent with the Growth Plan.</p>
Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Since the subject lands are within a settlement area, settlement area policies 6.32 to 6.34 of the LSPP apply. The subject lands are not within proximity of key natural heritage features, key hydrologic features or hazard lands and therefore maintain appropriate vegetation protection zones. As such, the proposed development is consistent with the LSPP.</p>
Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Settlements on Schedule 5.1 to the County of Simcoe Official Plan. Section 3.5.7 states settlement areas shall be the focus of population and employment growth and their vitality and regeneration shall be promoted. Residential uses shall be developed within settlement area boundaries on land appropriately designated in a local municipal official plan for the use. Further, Section 3.3.2 states subdivision of land by plan of subdivision or consent are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies. Section 3.5.1 states one of the objectives of the Settlements designation is to focus population and employment growth and development within settlements.</p> <p>Since the Town Official Plan permits single detached dwellings within the Village Residential designation and the lands are located within the Settlement Area of Stroud and maintain the intent of the settlement area objectives, the application conforms to the County of Simcoe Official Plan.</p>
Conforms to the Town of Innisfil Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Village Residential on Schedule B7 to the Town Official Plan. Section 10.5.2 permits single detached dwellings within the Village Residential designation. The severed lot is proposed to be connected to municipal water servicing and a private septic system.</p> <p>Section 10.5.6 outlines criteria for new infill lots within the Village Residential designation. Section 10.5.6(ii) requires a Hydrogeological Study to be submitted to assess the assimilative capability of the soils for a private sewage disposal system. The Hydrogeological Study will also assist with addressing the density policies in Section 10.5.3. Further, Section 10.5.6(iv) states where municipal water service is provided, confirmation of sufficient capacity is to be provided. Lastly, Section 10.5.6(vi) notes the applicant will enter into an agreement with the Town to pay for eventual connection to a municipal sanitary system if such system is installed within the municipal road allowance abutting the property.</p>

	<p>To ensure the application conforms to the above policies, Staff have included a Hydrogeological Study, confirmation of sufficient water capacity, and entering into an agreement with the Town for future sanitary servicing connection as conditions of approval.</p> <p>Section 5.3.19 & Section 10.5.6(i) speak to the creation of new lots directly abutting an open and maintained public road. To ensure the application conforms to this policy, Staff have provided a condition of approval for the Town to transfer the 0.3m reserve (Block 136 on Plan 51M-347) along Southview Avenue to the owner. Once the reserve is transferred, Southview Avenue would be the public road access to the severed lot and act as the frontage for the severed lot. Staff note there is a 0.3m reserve (Block 140 on Plan 51M-347) which restricts access to the property from Yonge Street. This reserve is not proposed to be lifted or transferred as part of this application.</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. As such, a Tree Protection Plan has been added as a condition of approval.</p> <p>Staff have reviewed the criteria outlined in Section 22.8.1 to consider when evaluating consent applications and have no concerns with the application conforming to these criteria.</p> <p>Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan, subject to conditions.</p>
<p>Complies with the Town Zoning By-law: <input checked="" 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.</p> <p>The proposed lot frontages comply with the minimum required lot frontage of 17m in the Zoning By-law. However, the lot area of the severed lot is proposed to be 1,338m² whereas 1,400m² is required. As such, a concurrent Minor Variance application has been submitted to seek relief from the minimum lot area requirement for the severed lot. The purpose of the minimum lot area is to ensure a private septic system can be appropriately accommodated on the lot. A Hydrogeological Study has been added as a condition of approval to ensure the severed and retained lots can accommodate septic systems. Minor Variance application A-049-2022 will need to be approved along with the Consent application.</p> <p>A conceptual building envelope was submitted which shows a single detached dwelling can comply with the zone requirements for the severed lot. A fulsome zone review for a new dwelling would occur at the building permit stage.</p>

	In consideration of the above, the subject application complies with the Town's Zoning By-law, subject to the approval of the concurrent minor variance application and subject to the proposed conditions.
Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	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, subject to the proposed conditions.

CONCLUSION:

The Planning Department recommends approval of application B-008-2022, subject to the proposed conditions.

PREPARED BY:

Vanessa Witt, MCIP, RPP
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: A-049-2022
RELATED APPLICATION: B-008-2022
MEETING DATE: July 21, 2022
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Vanessa Witt, Senior Planner
SUBJECT: Minor variance application A-049-2022 seeking relief from Table 4.2a of Zoning By-law No. 080-13 for minimum lot area.

PROPERTY INFORMATION:

Municipal Address	2196 Gordon Street
Legal Description	M347 LOT 1
Official Plan	Village Residential (Schedule B7)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-049-2022, subject to the approval of B-008-2022.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands to create a new residential lot, with a deficient lot area for the severed lot. The applicant is seeking relief from Section 4.2(a) of the Zoning By-law, which requires a minimum lot area of 1400m² for the severed lot. The severed lot is proposed to have a lot area of 1338m². This application is to be heard in conjunction with application B-008-2022.

Application Number	By-law Requirement	Proposed	Difference
A-049-2022	1400m ²	1338m ²	62m ²

SURROUNDING LANDS:

North	Low density residential (2190 Gordon Street)
East	Gordon Street; low density residential (2195 Gordon Street)
South	Southview Avenue; low density residential (2197 & 2191 Southview Avenue)
West	Yonge Street

ANALYSIS:

Site Inspection Date	June 23, 2022
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is designated Village Residential on Schedule B7 to the Town Official Plan. Section 10.5.2 permits single detached dwellings within the Village Residential designation. The severed lot is proposed to be connected to municipal water servicing and a private septic system.</p> <p>Section 10.5.6 outlines criteria for new infill lots within the Village Residential designation. Section 10.5.6(ii) requires a Hydrogeological Study to be submitted to assess the assimilative capability of the soils for a private sewage disposal system. The Hydrogeological Study will also assist with addressing the density policies in Section 10.5.3. Further, Section 10.5.6(iv) states where municipal water service is provided, confirmation of sufficient capacity is to be provided. Lastly, Section 10.5.6(vi) notes the applicant will enter into an agreement with the Town to pay for eventual connection to a municipal sanitary system if such system is installed within the municipal road allowance abutting the property.</p> <p>To ensure the concurrent consent application conforms to the above policies, Staff have included a Hydrogeological Study, confirmation of sufficient water capacity, and entering into an agreement with the Town for future sanitary servicing connection as conditions of approval.</p> <p>Section 5.3.19 & Section 10.5.6(i) speak to the creation of new lots directly abutting an open and maintained public road. To ensure the application conforms to this policy, Staff have provided a condition of approval of consent for the Town to transfer the 0.3m reserve (Block 136 on Plan 51M-347) along Southview Avenue to the owner. Once the reserve is transferred, Southview Avenue would be the public road access to the severed lot and act as the frontage for the severed lot. Staff note there is a 0.3m reserve (Block 140 on Plan 51M-347) which restricts access to the property from Yonge Street. This reserve is not proposed to be lifted or transferred as part of this application.</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. As such, a Tree Protection Plan has been added as a condition of approval of the consent.</p> <p>Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan, subject to conditions.</p>
Maintains the purpose and intent of the Zoning By-law: <input checked="" 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.</p> <p>The proposed lot frontages comply with the minimum required lot frontage of 17m in the Zoning By-law. However, the lot area of the severed lot is proposed to be 1,338m² whereas 1,400m² is required.</p>

	<p>As such, a Minor Variance application has been submitted to seek relief from the minimum lot area requirement for the severed lot.</p> <p>The purpose of the minimum lot area is to ensure a private septic system can be appropriately accommodated on the lot and to ensure new lots reflect size and character of lots in the area. A Hydrogeological Study has been added as a condition of approval to the concurrent consent application to ensure the severed and retained lots can accommodate septic systems. Although the severed and retained lots would be slightly smaller than existing lots in the area, they would not be out of character in the area. Specifically, the lots in the immediate area including across Southview Avenue contain similar lot sizes as the proposed severed and retained lot areas.</p> <p>The area contains a mix of 1, 1.5, and 2 storey single detached dwellings, which the proposed severed lot would also contain. A conceptual building envelope was submitted which shows a single detached dwelling can comply with the zone requirements for the severed lot. A fulsome zone review for a new dwelling would occur at the building permit stage.</p> <p>In consideration of the above, the subject application complies with the Town's Zoning By-law, subject to the approval of the concurrent consent application and its conditions.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>In the opinion of Staff, the variance is considered desirable for appropriate/orderly development of the land, subject to the proposed conditions for consent application B-008-2022. One new residential lot in an established neighbourhood within a settlement area is considered appropriate as limited infill development. The proposed severed and retained lot areas and proposed single detached dwelling are in keeping with the character of the area. Conditions are proposed to ensure preservation of trees and that the new lot can function with a septic system.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion the variance is considered minor in nature, subject to the conditions proposed as part of the consent application, due to the location of the proposed lot being located at the edge of a subdivision, the limited impacts to neighbouring properties, and the proposed lot area not being out of character in the area.</p>

CONCLUSION:

The Planning Department recommends approval of application A-049-2022, subject to the approval of B-008-2022.

PREPARED BY:

Vanessa Witt, MCIP, RPP
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



MEMORANDUM TO FILE

DATE: July 12, 2022
FROM/CONTACT: Tim Gignac
FILE/APPLICATION: B-008-2022 (2196 Gordon Street)
SUBJECT: Committee of Adjustment Applications – July 2022
Engineering Services Review Comments

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):

- The Applicant/Owner shall ensure that all **swales on both properties** meet the requirements set out in Section 7.3 of the Town of Innisfil (“Town”) Engineering Design Standards and Specifications Manual (“Town Standards”), as amended, and shall ensure stormwater (“SWM”) runoff does not adversely affect adjacent properties.
- The Applicant/Owner shall ensure that all **driveway locations** on both properties meet the requirements set out in Section 2.4.4.12.2 of the Town Standards, as amended.
- The Applicant/Owner shall prepare and submit **engineering design** drawings, specifications, and reports signed and sealed by a Professional Engineer for **both** properties that address, but may not be limited to, such matters as site layout, lot grading, stormwater management, tree preservation and compensation for removal (refer to Town Corporate Policy CP.09-08 Tree Policy for Development Approvals and Town Standard Section 8.3.3), servicing, and LID measures, to the satisfaction of the Town and InnServices Utilities Inc. (“InnServices”).
- The Applicant/Owner shall enter into an **right-of-way activity permit (RAP)** prior to the issuance of building permit(s) with the Town and/or InnServices for all works completed within the Town’s road allowance, such as installation of new water and /or sanitary sewer laterals, and any changes that may be required to the existing water and/or sanitary sewer mains to service the lots. All works shall be completed in accordance with Town Standards and to the satisfaction of the Town and/or InnServices.
- The Applicant/Owner shall undertake and submit a **tree preservation and/or compensation plan** to the satisfaction of the Town, consistent with the Town’s “Tree Policy for Development Approvals” (CP.09.08).

- The Applicant/Owner shall undertake and submit a scoped **hydrogeological assessment**, to the satisfaction of the Town, to address issues related to (as applicable) impacts to the existing well water supplies, groundwater impacts from construction activities, impacts to nearby surface water bodies, design of sump pumps (if required), and indicating that the requirements of the Ontario Building Code for septic systems can be achieved for both lots, in accordance with the Town's Official Plan.

Conditions 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):

- 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.
- The Applicant/Owner shall undertake and submit a **tree preservation and compensation plan** to the satisfaction of the Town.
- The Applicant/Owner shall undertake a scoped **hydrogeological assessment** in accordance with Town Standards and to the satisfaction of the Town.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: July 14, 2022

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

FILE/APPLICATION: B-008-2022

SUBJECT: 2196 Gordon St.

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 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. No comments



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: July 14, 2022

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

FILE/APPLICATION: A-049-2022

SUBJECT: 2196 Gordon St.

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



MEMORANDUM TO FILE

DATE: July 18th, 2022

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-008-2022 2196 Gordon Street

SUBJECT: Severance Application for 2196 Gordon Street – InnServices Comments and Conditions

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. It appears that there is only one existing water service lateral for the subject property. The proposed severed lot will require an additional water service lateral connection to the existing municipal water main.
2. Prior to submitting a Right of Way Activity Permit (RAP) with the Town of Innisfil, the Owner/Applicant shall submit an Additional Service Connection Application to InnServices to service the severed lot, complete with the applicable Additional Service Connection Application fee.
3. Prior to issuance of building permit(s) the Owner/Applicant shall have an issued RAP with The Town of Innisfil for works to be completed within the Town's road allowance in accordance with Town Standards that address, but may not be limited to, such matters as connecting new water and sanitary service laterals, to the existing municipal water main and sanitary main and restoration of the Town's allowance. All works shall be completed to the satisfaction of the Town and InnServices.
4. As part of the RAP, the Owner/Applicant shall provide drawings, plans, cost estimates, specifications, reports, studies and certifications signed and sealed by a Professional Engineer for the proposed development that address, but may not be limited to the servicing of the proposed development to the satisfaction of the Town and InnServices.
5. The Owner/Applicant will retain a contractor to execute the installation of the services. This work may commence only after the applicant has an issued RAP with the Town of Innisfil and all fees have been paid to the satisfaction of the Town and InnServices.

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. That the Owner/Applicant confirm that the existing water system can provide/accommodate the required flows and pressures to service the severed lot at the expense of the Owner/Applicant to the satisfaction of InnServices.

B-008 & A-049-2022 – 2196 Gordon Street

Public comment #1:

I do not believe this request is in the best interest of the neighborhood. From what I have been told the new owner wants to split the lot into two. It is the entrance to our neighborhood. As it stands now it is dilapidated and at times an eyesore. It has been a rental for a number of years. I think the entrance to the subdivision should flow and will affect our home values especially if it continues to be a rental or worse rentals.

Public comments #2:

With respect to 2196 Gordon St, I feel that the splitting of the lot will have a negative impact on the house prices in our little neighbourhood. It could also change the dynamic of our family neighbourhood to more of a renter's community and that is something I REALLY don't want. That could be detrimental to our quiet, peaceful community.

Public comment #3:

were not understanding how this can even be considered as we are on septic and already have issues with the Town water usage? As well to add another driveway ? what will the second address be? Is this going to be a rental Property for the main House? Or a separate independent property? We already had issues with this home when it was rented out now you want to allow even more people to live on what was intended as a single family property?

Public Comment #4

When we moved to Innisfil, we chose this area because it was a well established, quiet subdivision with premium lots. With all the new development going up around town, our area stands out as unique. To sever a parcel of land and bring in new construction, erases all those qualities. We moved to a well established neighbourhood to not have to deal with new development. To not have to deal with all that goes along with it; the noise, the mess, the blocked streets, all because of months and months of endless construction. We also feel this will negatively affect not only our property values but everyone else in this neighbourhood. For the reasons listed, we do not feel as if this would be a positive change for our community.