

# **Summary of Comments**

## **B-007-2022 – 1093 7th Line**



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** B-007-2022

**MEETING DATE:** July 21, 2022

**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

**FROM:** Vanessa Witt, Senior Planner

**SUBJECT:** Consent to sever 1093 7<sup>th</sup> Line to create one new residential lot.

---

### PROPERTY INFORMATION:

<b>Municipal Address</b>	1093 7 <sup>th</sup> Line
<b>Legal Description</b>	CON 6 N PT LOT 24
<b>Official Plan</b>	Residential Low Density One (Schedule B1)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of application B-007-2022, 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 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.

- 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.
- 7.) The Applicant/Owner shall convey to the Town, in fee simple, free and clear of all encumbrances and for nominal consideration, a 5-metre road widening along 7<sup>th</sup> Line. The road widening shall be included on the draft reference plan of survey noted in Condition #8. The draft R-Plan is to be reviewed and approved by the Town prior to registration.
- 8.) 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 1093 7<sup>th</sup> Line to create one new residential lot. The retained lands would have a lot area of 2232.6m<sup>2</sup> with a lot frontage of 36.6m. The severed lot would have a lot area of 1488.4m<sup>2</sup> with a lot frontage of 24.4m.

#### SURROUNDING LANDS:

<b>North</b>	7 <sup>th</sup> Line; Key Natural Heritage Features / Key Hydrologic Features
<b>East</b>	Low density residential (1083 7 <sup>th</sup> Line)
<b>South</b>	Stormwater management pond; open space zone
<b>West</b>	Low density residential (1103 7 <sup>th</sup> Line)

#### ANALYSIS:

<b>Site Inspection Date</b>	June 23, 2022
<b>Consistent with the Provincial Policy Statement (PPS):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the Primary Settlement Area of Alcona 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 Alcona 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 consistent with the Natural Hazards policies in Section 3.1 since existing and proposed buildings and structures are located outside of the hazard lands and floodplain on the property, further explained below.</p> <p>Section 1.6.6.5 states partial services shall only be permitted within settlement areas, to allow for infilling and minor rounding out of</p>

	<p>existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. As such, a Hydrogeological Study to confirm the existing and proposed septic systems can function with no negative impacts on the severed and retained lands has been added as a condition of approval. Further, Section 1.6.6.2. states municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize risks to human health and safety. InnServices notes there is a planned municipal sewer along 7<sup>th</sup> Line. In light of the PPS policies respecting full servicing and the proposed sewer, as a condition of approval, the Owner/Applicant shall enter into an agreement with the Town to pay for eventual connection to a municipal sanitary system when the system is installed within the municipal road allowance abutting the property. A condition of approval has also been added to confirm there is sufficient water capacity to support the proposed lot.</p> <p>The application is considered to be consistent with the PPS, subject to the proposed conditions.</p>
<p><b>Consistent with the Provincial Growth Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject property is within the Primary Settlement Area of Alcona. 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 delineated built boundary of Alcona, is limited residential development, and is proposed to be on municipal water servicing and a private septic system.</p> <p>The application is consistent with the Key Hydrologic Features, Key Hydrologic Areas, and Key Natural Heritage Features policies in Section 4.2.3 and 4.2.4 since existing and proposed buildings and structures are located outside of the hazard lands and floodplain on the property, further explained below.</p> <p>Considering the above, Staff are of the opinion the proposal is consistent with the Growth Plan.</p>
<p><b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Since the subject lands are within a settlement area, settlement area policies 6.32 to 6.34 of the LSPP apply. Through correspondence with the Lake Simcoe Region Conservation Authority (LSRCA), it was noted that a Natural Heritage Evaluation would not be required to support the consent application. The lands across 7<sup>th</sup> Line are designated Key Natural Heritage Features / Key Hydrologic Features in the Town Official Plan. LSRCA notes these features are identified as Banks Creek and a woodland natural heritage feature. Since 7<sup>th</sup> Line separates the subject property from these features and there does not appear to be features on the subject property that would be considered contiguous with the woodland, the LSRCA noted a Natural Heritage Evaluation would not be required to support the consent application since there are no foreseeable potential negative impacts as a result of the consent application for a new residential lot. Additionally, the property appears to be within the Hazard Land</p>

	<p>Overlay in the Town Official Plan, but these hazards lands are noted as approximate and to be confirmed by the Conservation Authority. LSRCA Staff noted the hazard lands (meander belt) and floodplain are approximately 8 metres from the front lot line. The submitted concept plan shows the existing and proposed single detached dwelling can be located outside of the hazard lands and floodplain. As such, the proposed development is consistent with the LSPP.</p>
<p><b>Conforms to the County of Simcoe Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<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, with particular emphasis on primary settlement areas.</p> <p>Since the Town Official Plan permits single detached dwellings within the Residential Low Density One designation, the lands are located within the Primary Settlement Area of Alcona and maintain the intent of the settlement area objectives, the application conforms to the County of Simcoe Official Plan.</p>
<p><b>Conforms to the Town of Innisfil Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated Residential Low Density One on Schedule B1 to the Town Official Plan and a portion is within the Hazard Land Overlay. Section 10.2.2 permits single detached dwellings within the Residential Low Density One designation. The lands are also located within the Primary Settlement Area of Alcona. Section 9.2.3 states Alcona will develop as a complete community with a compact urban form that promotes the efficient use of land and with densities and land use patterns supportive of transit service.</p> <p>Section 10.2.11 states in cases of existing oversized lots, the lot may be subdivided such that any new lot(s) meet the minimum lot area requirements of the zoning by-law, any required variance is no greater than 20% of the applicable zoning provisions and the frontage is consistent with the average frontage on the same street within 250 metres. The severed and retained lots propose to comply with the minimum lot frontage and area requirements in the zoning by-law. There are a total of 8 residential properties along 7<sup>th</sup> Line within 250 metres of the subject lands which contain a variety of lot frontages ranging from approximately 18 metres to 118 metres. With the irregular lot frontages, the proposed lot frontages of 24.4 metres and 36.6 metres would not be out of context and would be consistent with the average street frontages in the area. Staff have no concerns with the application conforming to this policy.</p> <p>Schedule C of the Official Plan notes 7<sup>th</sup> Line is a Town Arterial Road with a road width of 30m. The existing road width is 20m. As such, a</p>

	<p>5m road widening on the subject lands has been added as a condition of approval.</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><b>Complies with the Town Zoning By-law:</b> <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. The proposed lot frontages and lot areas complies with the minimums in the Zoning By-law. A conceptual building envelope was submitted which shows a single detached dwelling can comply with the zone requirements for the severed lot including existing and proposed buildings and structures being outside of the hazard lands and floodplain in the front yard. 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 proposed conditions.</p>
<p><b>Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>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.</p>

**CONCLUSION:**

The Planning Department recommends approval of application B-007-2022, subject to the proposed conditions.

**PREPARED BY:**

Vanessa Witt, MCIP, RPP  
Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** July 14, 2022

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

**FILE/APPLICATION:** B-007-2022

**SUBJECT:** 1093 7<sup>th</sup> Line

---

**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) The applicant/owner shall provide a site plan with proposed and existing septic footprints (tanks and beds) that meet all Ontario Building Code required clearances to property lines, and all structures, to the satisfaction of Community Development Standards Branch (Building Department).

**MEMORANDUM TO FILE**

**DATE:** July 12, 2022  
**FROM/CONTACT:** Tim Gignac  
**FILE/APPLICATION:** B-007-2022 (1093 7<sup>th</sup> Line)  
**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.



**MEMORANDUM TO FILE**

**DATE:** July 18<sup>th</sup>, 2022

**FROM/CONTACT:** Thomas Steube-Chapman, InnServices

**FILE/APPLICATION:** B-007-2022 1093 7<sup>th</sup> Line

**SUBJECT:** Severance Application for 1093 7<sup>th</sup> Line – 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.