

Summary of Comments

B-009-2022 – 1069 Elm Road



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-009-2022

MEETING DATE: July 21, 2022

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Vanessa Witt, MCIP, RPP
Senior Planner

SUBJECT: Validation of Title of 1069 Elm Road

PROPERTY INFORMATION:

Municipal Address	1069 Elm Road
Legal Description	PLAN 767 LOT 65
Official Plan	Residential Low Density 1 (Schedule B3)
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends approval of B-009-2022, subject to the following condition:

CONDITION:

- 1) That the Applicant/Owner relocate the existing frame shed and cabana identified on the easterly portion of the lot to the westerly portion of the lot or demolish the structures, subject to a demolition permit, if required by the Community Development Standards Branch (Building Department). If being relocated, the structures must comply with the required setbacks.

REASON FOR APPLICATION:

The Applicant is proposing to validate the title of 1069 Elm Road to correct a previous title error arising from the merger of separate parcels of land. The properties cannot be separately conveyed without a Certificate of Validation since the inadvertent merger is in contravention of the Planning Act.

SURROUNDING LANDS:

North	Elm Road and single detached dwelling (1070 Elm Road)
East	Single detached dwelling (1063 Elm Road)
South	Single detached dwelling (1070 Spooners Road)
West	Single detached dwelling (1073 Elm Road)

ANALYSIS:

Site Inspection Date	June 23, 2022
Consistent with the Provincial Policy Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject property at 1069 Elm Road is located within the settlement area of Lefroy / Belle Ewart. The applicant submitted a Plan of Survey, dated May 30, 2008, which shows the property at 1069 Elm Road was once two separate parcels (Part 1 and Part 2 of Lot 65 on Plan 767). These two historical lots of record inadvertently merged due to land transfers. The applicant has confirmed the history of the ownership and transfers in the submitted parcel registers. There are no concerns with respect to the Provincial Policy Statement in this regard.
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject property was two historical lots of record that inadvertently merged due to land transfers. There are no concerns with respect to the Growth Plan in this regard.
Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1069 Elm Road is occupied by an existing single detached dwelling on a private well. There are no concerns with respect to the Lake Simcoe Protection Plan (LSPP) since any development or redevelopment on the properties would be subject to the LSPP policies.
Conforms with the County and Town Official Plans: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject property is designated Settlements on Schedule 5.1 in the County of Simcoe Official Plan and Residential Low Density 1 on Schedule B3 of the Town Official Plan. Section 3.5.7 of the County Official Plan permits residential land uses within settlement areas on lands appropriately designated in local official plans for the use and Section 10.2.2 of the Town Official Plan permits single detached dwellings within the Residential Low Density 1 designation. The subject property was two historical lots of record that inadvertently merged. There are no concerns with respect to the County or Town Official Plan policies.
Complies with the Zoning By-law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is zoned Residential 1 (R1) in Zoning By-law 080-13. Table 4.1 permits single detached dwellings within the R1 Zone. Any development or redevelopment of the properties would be subject to compliance with the Zoning By-law.</p> <p>The submitted property survey, dated May 17, 2022, shows an existing shed and cabana on the easterly portion of the subject lands. Staff have added a condition to relocate or demolish the existing structures on the easterly portion to ensure there are no accessory structures without a principal use on the easterly property.</p>
Conforms to Section 2, 51(24) and 53(12) of the Planning Act: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	This application has been reviewed and in the opinion of Staff conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i> .

CONCLUSION:

Staff recommend approval of application B-009-2022, subject to the condition.

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-009-2022

SUBJECT: 1069 Elm Rd.

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 obtain a demolition permit for the existing accessory structures and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department).

MEMORANDUM TO FILE

DATE: July 13, 2022
FROM/CONTACT: Min Gill, min@innpower.ca
FILE/APPLICATION: B-009-2022
SUBJECT: 1069 Elm Road

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

Title Validation

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)

No Comment

A decorative graphic in the bottom right corner of the page, consisting of several overlapping, curved, light blue and purple shapes that resemble stylized waves or a modern architectural element.