



COMMITTEE OF ADJUSTMENT NOTICE OF DECISION
APPLICATION NO. B-007-2022

TAKE NOTICE that a decision has been made by the Committee of Adjustment for a consent to severance of property application by **Mathew Esteves, Owner**, to Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **CON 6 N PT LOT 24**, is known municipally as **1093 7th Line**, and is zoned as **"Residential 1 Zone (R1)"**.

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 1488.4m². The retained lands will have a proposed lot area of 2232.6m².

The Committee of Adjustment has considered all written and oral submissions received before and/or during the hearing as part of their decision.

- ☒ The Committee **APPROVED** the application and is satisfied that it is in keeping with Section 57 of the Planning Act, that a plan of subdivision will not be required, that the application constitutes proper and orderly development of the subject lands, and that the intent and purpose of the Official Plan and Zoning By-law have been maintained.
- ☒ See attached Condition(s) of Approval
- ☐ No Conditions
- ☐ The Committee **REFUSED** the application and is of the opinion the application is not in keeping with Section 53 of the Planning Act, that the application does not constitute proper and orderly development of the subject lands and that the intent and purpose of the Official Plan and Zoning By-law have not been maintained.
- ☐ The Committee **DEFERRED** the application.

DECISION DATED AT THE TOWN OF INNISFIL this **21st** day of **July 2022**.

CIRCULATION DATE OF NOTICE OF DECISION: July 22, 2022

LAST DAY OF APPEAL: August 10, 2022

A handwritten signature in black ink, appearing to read "Rod Hicks", written over a light grey rectangular background.

Rod Hicks, Chair

A handwritten signature in black ink, appearing to read "Harry Eisses", written over a light grey rectangular background.

Harry Eisses, Member

A handwritten signature in black ink, appearing to read "Sarah Oetinger", written over a light grey rectangular background.

Sarah Oetinger, Member

A handwritten signature in black ink, appearing to read "Marnie Adam", written over a light grey rectangular background.

Marnie Adam, Member

If applicable, the owner/applicant is responsible for any legal, engineering, InnServices & Town fees and must submit to Legal Services 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 those funds not utilized. All in accordance with the Fees & Charges bylaw as amended.



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I, Toomaj Haghshenas, 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-007-2022 rendered on July 21, 2022.

A handwritten signature in blue ink, appearing to read "Toomaj Haghshenas".

Toomaj Haghshenas
Secretary-Treasurer
Committee of Adjustment
thaghsheenas@innisfil.ca
705-436-3740 ext. 3316

NOTICE OF LAST DATE OF APPEAL

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.

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.

Additional information relating to the 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.



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CONDITIONS OF APPROVAL

The below Condition(s) of Approval shall be completed within **TWO YEARS** from the Circulation Date of Notice of Decision outlined on Page 1. If the Condition(s) of Approval are not completed by this date, the application shall be deemed to have been refused. After the completion of the above noted conditions, consent shall be issued by means of a Certificate of Official under Form 2 of the Planning Act.

Planning Services

1. That the Owner/Applicant contact the Trustee of the Alcona Developer's Group Cost-Sharing Agreement respecting any obligations under said Agreement respecting cost-sharing. If there are no obligations under said Agreement, 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 obtain written confirmation from InnServices that there is sufficient municipal water capacity.
5. That the Owner/Applicant enter into an agreement with the Town to pay for eventual connection to a municipal sanitary system when such system is installed within the municipal road allowance abutting the property. The agreement will also prohibit a septic system within 100 metres of Banks Creek as per Lake Simcoe Protection Plan policies.
6. That the Owner shall:
 - a) execute an agreement in the form satisfactory to the Trustee, the Town and InnServices to be bound by all terms and provisions of the Innisfil Developers Allocation Group (Town of Innisfil) Development Charges Early Payment Agreement;
 - b) make a cash payment to the Town (for payment into the Wastewater Treatment Reserve Fund) in the amount of its share of the funding of Capital Costs already paid from Owner's Development Charges Pre-Payments to that time, as calculated by the Trustee factoring the amount of its Subscribed SDEs and the rate of the Wastewater Treatment component of the DC By-law at the time that such party becomes an owner; and,
 - c) provide a Pre-Payment LC to the Trustee for the balance of its funding requirement, as calculated by the Trustee factoring the amount of its Subscribed SDEs and the rate of the Wastewater Treatment component of the DC By-law at the time that such party becomes an Owner as per Section 6.2 of the IDAG DC Early Payment Agreement.

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 7th 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.

Community Development Standards Branch

1. That 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).

Engineering Services

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

InnServices

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.