

# **Summary of Comments**

## **A-064-2022 – 712 10th Line**



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-064-2022  
**MEETING DATE:** September 15, 2022  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Vanessa Witt, Senior Planner  
**SUBJECT:** Minor variance application A-064-2022 seeking relief from Section 3.27(b) for an expansion to a legal non-conforming use to permit a swimming pool and pavilion structure on the subject property.

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	712 10 <sup>th</sup> Line
<b>Legal Description</b>	PLAN 1418 LOT 29
<b>Official Plan</b>	Shoreline Residential Area
<b>Zoning By-law</b>	Environmental Protection (EP) Zone and Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-064-2022, subject to the following conditions:

### CONDITIONS:

1. That the variance apply exclusively to the swimming pool and pavilion structure as shown substantially in conformity to the drawings submitted with these applications.
2. That the applicant submit a detailed planting plan, including tree protection fencing, for the Minimum Vegetation Protection Zone (MVPZ) to the natural heritage features to the satisfaction of the Lake Simcoe Region Conservation Authority (LSRCA) and Town Staff.

### REASON FOR APPLICATION:

The applicant is seeking to expand a legal non-conforming use to add a swimming pool and pavilion structure to their single detached dwelling. A minor variance is required under Section 3.27(b) of the Zoning By-law for an expansion to a legal non-conforming use.

**SURROUNDING LANDS:**

<b>North</b>	Key Natural Heritage Features and Key Hydrologic Features designation
<b>East</b>	Single detached dwellings
<b>South</b>	10 <sup>th</sup> Line, single detached dwellings
<b>West</b>	Key Natural Heritage Features and Key Hydrologic Features designation

**ANALYSIS:**

<b>Site Inspection Date</b>	September 1, 2022
<b>The proposal is desirable for the development of the land in question:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property was previously zoned Residential Serviced (R1S) Zone in Zoning By-law No. 054-04, which permitted a single detached dwelling and accessory structures. According to Town and Municipal Property Assessment Corporation (MPAC) records, the dwelling was built in 2004 which was a permitted use at that time. Since the zoning on a portion of the property changed to Environmental Protection (EP) Zone in Zoning By-law No. 080-13, the residential use became legal non-conforming since single detached dwellings are not permitted in the EP Zone. It appears the residential use has continued on the property since 2004. As such, the applicant is required to apply for an expansion to a legal non-conforming use to permit the proposed swimming pool and pavilion structure.</p> <p>The applicant has proposed a design for the rear yard that is suitable for a residential property. The Official Plan designation on the subject property is Shoreline Residential Area, which permits single detached dwellings and their accessory structures and uses. Although the portion of the property where the dwelling is located and the pool and pavilion structure are proposed is zoned Environmental Protection (EP) Zone, the remainder of the property is zoned Residential 1 (R1), which permits single detached dwellings and their accessory structures and uses. Further, the proposed swimming pool and pavilion structure comply with zoning provisions, including setbacks.</p> <p>In consideration of the above, Staff are of the opinion the proposal is desirable for the development of the subject property, subject to the proposed conditions.</p>
<b>The impact of the proposal on the surrounding area:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The surrounding area contains single detached dwellings, as well as natural heritage features in the form of a Provincially Significant Wetland (PSW) and a woodland key natural heritage feature on the property. A site visit showed the proposed location for the pool and pavilion structure is already disturbed and is currently maintained as manicured lawn. The proposed development is located within the 30 metre Minimum Protection Vegetation Zone (MPVZ) and as such, the Lake Simcoe Region Conservation Authority (LSRCA) has requested a condition of approval for a detailed planting plan within the MPVZ to mitigate any potential negative impacts from the proposed development and achieve a net ecological gain to the ecological features on the site. The plantings should be targeted to areas directly adjacent to the existing natural areas (i.e., significant woodland and PSW) and the proposed development. Town Staff agree with the</p>

	<p>requirement for a detailed planting plan, and request tree protection fencing be included on the planting plan to be implemented during construction of the pool and pavilion structure.</p> <p>Further, the dwelling is appropriately set back from the street and neighbouring dwellings. The pool and pavilion structure are proposed in the rear yard of the property, further away from neighbouring dwellings. Additionally, the property is lined with trees which help screen the rear yard from neighbouring properties. As such, Staff have no concerns with the proposal impacting surrounding residential properties.</p> <p>In consideration of the above, Staff are of the opinion the proposal will not have a negative impact on the surrounding area, subject to the proposed conditions.</p>
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**PREPARED BY:**

Vanessa Witt, MCIP, RPP  
Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP  
Supervisor of Development Acceleration



Sent via e-mail: thaghshenas@innisfil.ca

September 12, 2022

Municipal File No.: A-064-2022  
LSRCA File No.: VA-309346

Toomaj Haghshenas  
Senior Development Coordinator  
Secretary Treasurer of Committee of Adjustment  
Town of Innisfil  
2101 Innisfil Beach Rd.,  
Innisfil, ON  
L9S 1A1

Dear Mr. Haghshenas:

Re: **Application for Minor Variance**  
**712 10<sup>th</sup> Line**  
**Town of Innisfil**  
**Owner: Trish Cameron**  
**Applicant: Jesse Schulz**

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Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (“LSRCA”) for review and comment. It is our understanding that the proponents are proposing to construct a pool and pavilion and are seeking relief from Section 3.27 b) of the Town of Innisfil Zoning By-law 080-13, as amended, to allow for the expansion of an existing non-conforming use of the subject property.

**Documents Received and Reviewed by Staff**

Staff have received and reviewed the following documents submitted with this application:

- Committee of Adjustment Notice of Public Hearing (dated August 25<sup>th</sup>, 2022)

*It is noted that a LSRCA permit was issued for the proposed pool and pavillion on June 29th, 2022.*

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06. LSRCA has also provided comments as per our MOU with our member municipalities representing matters pertaining to watershed planning, natural heritage and stormwater management. The application has also been

reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies.

**Recommendation**

Based on our review from a natural hazards, natural heritage, and watershed management perspective, we confirm that LSRCA has no objection to the proposed consent subject to the following conditions:

- That a detailed planting plan for the Minimum Vegetation Protection Zone (MVPZ) to the natural heritage features be prepared and completed to the satisfaction of the LSRCA; and
- That the LSRCA review fee (\$525.00) for the Minor Variance application be paid.

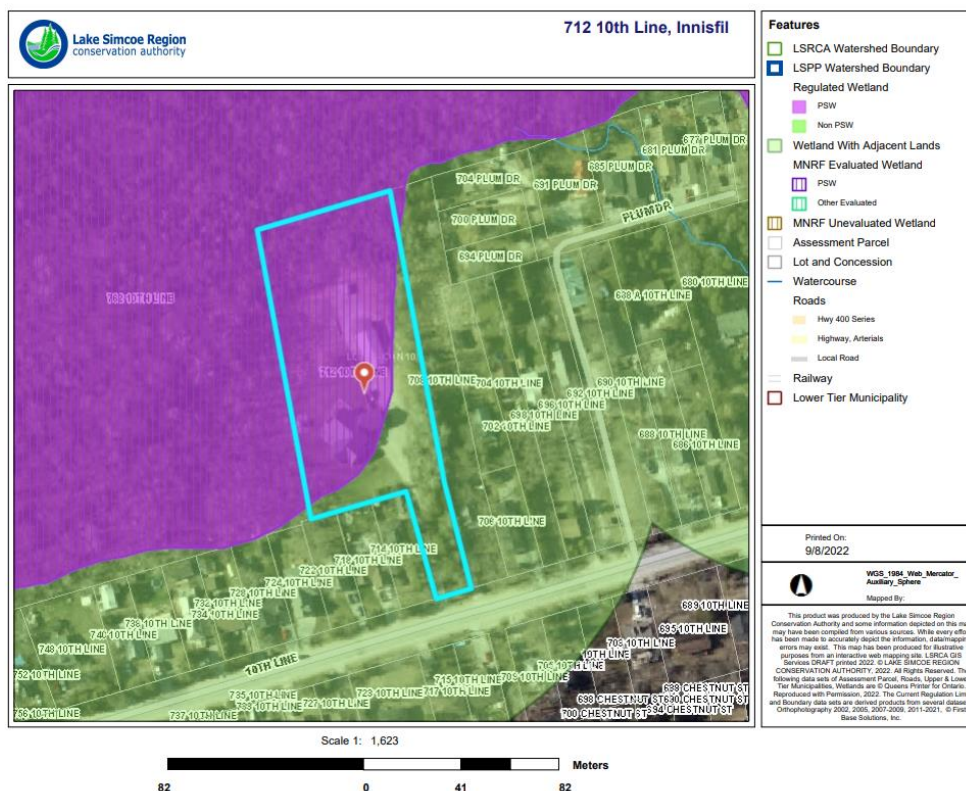
**Site Characteristics**

The subject property is designated as “Shoreline Residential Area” as per Schedule B of the Town of Innisfil Official Plan and is not located within a settlement area. The property is zoned “Residential 1 Zone” (R1) and “Environmental Protection” (EP) as per the Town’s Zoning By-law 080-13, as amended.

Existing mapping indicates the following:

- The subject property is entirely regulated by the LSRCA under Ontario Regulation 179/06 for Provincially Significant Wetland (PSW) and the associated 120 m adjacent lands.
- There is a woodland key natural heritage feature on the property.

*Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.*



### **Delegated Responsibility and Statutory Comments:**

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). There are not any identified natural hazards on the subject lands, therefore, the proposal is consistent with 3.1 of the PPS.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland. There are regulated elements on this site. A LSRCA permit has already been obtained for the proposed pool and addition. Should further development or site alteration be proposed on the property in the future, a permit from the LSRCA would be required. Please be advised that under current guidelines and policies, development, interference, or site alteration is not permitted within a Provincially Significant Wetland (PSW).

### **Advisory Comments**

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil to provide plan review services related to watershed planning, natural heritage, stormwater management and hydrogeology through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

LSRCA staff note that the proposed development and site alteration is located within the 30-metre minimum vegetation protection zone to a PSW and significant woodland features. These features are identified as a key natural heritage features under the applicable Provincial, Regional and Local land use policies applicable to this property.

Given that the area of proposed development is within an existing disturbed area (manicured lawn) and is for a legal non-conforming use, LSRCA staff may accept a detailed planting plan in lieu of a Scoped Natural Heritage Evaluation/Environmental Impact Study. The landowner is to prepare a planting plan to mitigate any potential negative impacts from the proposed development and achieve a net ecological gain to the ecological features at this site. The plantings should be targeted to areas directly adjacent to existing natural areas (i.e. significant woodland and PSW) and the proposed development. Please ensure all plantings are native and provide details on the plantings including location of plantings, common and scientific name, size, quantity and condition of plantings (e.g. container grown, potted, burlap, etc.).

For general guidelines for preparing the planting plan, LSRCA suggests using “CH Guidelines for Landscaping and Rehabilitation Plans, June 2021” which can be found on Conservation Halton website and this link: <https://www.conservationhalton.ca/policies-and-guidelines>.

### Summary

Based on our review from a natural hazards, natural heritage, and watershed management perspective, we confirm that LSRCA has no objection to the proposed consent subject to the following conditions:

- That a detailed planting plan for the Minimum Vegetation Protection Zone (MVPZ) to the natural heritage features be prepared and completed to the satisfaction of the LSRCA; and
- That the LSRCA review fee (\$525.00) for the Minor Variance application be paid.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated; and
2. Ontario Regulation 179/06 does apply to the subject site. A permit from the LSRCA for the proposed pool and pavilion requiring minor variance has already been obtained.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (e.dias@lsrca.on.ca)

Sincerely,



Emma Dias  
Junior Planning and Natural Heritage Analyst





Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** September 8, 2022

**FROM/CONTACT:** Jocelyn Penfold ex 3506 [jpenfold@innisfil.ca](mailto:jpenfold@innisfil.ca)

**FILE/APPLICATION:** A-064-2022

**SUBJECT:** 712 10<sup>th</sup> Line

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**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):

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)

No comments.

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*The owners of the property purchased said property knowing it included Environmental Protected land. I feel that all Environmental Protected lands need to be left undisturbed by any & all means. The wildlife in the area has already been distributed by the large amount of construction going on around us. Environmental Protected land is not meant for personal recreational facilities. Not to mention how it may change the water ways in our area & the noise pollution that will be caused from such a project.*