

Summary of Comments

B-012-2022 – 2005 Kate Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-012-2022

MEETING DATE: October 20, 2022

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Darren Ding, Planner/Placemaker

SUBJECT: Consent to sever 2005 Kate Ave to create one new residential lot

PROPERTY INFORMATION:

Municipal Address	2005 Kate Ave
Legal Description	PLAN 947 LOT 86
Official Plan	Residential Low Density One (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-012-2022, 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 apply to the Town of Innisfil for a demolition permit and remove the current single detached dwelling existing on the proposed property line.
- 5.) That both the retained and severed lots shall connect to municipal sewer and water services to the satisfaction of the Town.
- 6.) 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 lands at 2005 Kate Ave to create one new residential lot. The retained lands would have a lot area of 699m² with a lot frontage of 16.5m along Kate Ave. The severed lot would have a lot area of 608m² with a lot frontage of 32.45m along Kate Ave.

SURROUNDING LANDS:

North	Low density residential (2021 Kate Ave)
East	Low density residential (2012 Inglewood Dr)
South	Low density residential (2001 Kate Ave)
West	Kate Ave; Low density residential (2008, 2012 & 2016 Kate Ave)

ANALYSIS:

Site Inspection Date	August 24, 2022
Consistent with the Provincial Policy Statement (PPS): <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 lands are located within the settlement area of Alcona and represent intensification on a public street that contains single detached lots on existing municipal services, the proposal is consistent with these sections of the PPS.</p>
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are 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 subject lands are within the delineated built boundary of Alcona, are limited residential development, and have existing municipal water and sewer services.</p> <p>Considering the above, 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 have existing municipal water and sewer services, which will minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lakes, and wetlands. The</p>

	proposed development is consistent with the applicable policies of the LSPP.
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, 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 subject 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>
Conforms to the Town of Innisfil Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density One on Schedule B1 to the Town Official Plan. 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 so no variances are required. There are approximately 42 residential properties along Kate Ave within 250 metres of the subject lands which contain a variety of lot frontages ranging from approximately 12 metres to 31 metres. The proposed lot frontages of 32.45 metres and 16.5 metres would not be out of context and would be more consistent with the average street frontages in the area than the existing one. Staff have no concerns with the application conforming to this policy. The application also meets the density requirements of the Official Plan (10-13 units per net hectare, Section 10.2.4).</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</p>

	<p>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 Zoning By-law requires minimum lot area of 600m² and minimum lot frontage of 15m. The retained lands would have a lot area of 699m² with a lot frontage of 16.5m along Kate Ave. The severed lot would have a lot area of 608m² with a lot frontage of 32.45m along Kate Ave. Thus, the proposed lot areas and lot frontages comply with the requirements in the Zoning By-law. A fulsome zone review for new dwellings would occur at the building permit stage. Staff note lot coverage of the new dwellings can not exceed 35% per R1 requirements.</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>Conforms to Section 2, 51(24) and 53(12) of the Planning Act: <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. While the westernmost lot is somewhat irregular in shape, the applicant has provided a concept sketch with a building envelope which supports a reasonable redevelopment of the subject lands with rear yard amenity space and space for a new dwelling. As stated, both lots exceed lot frontage and area requirements of the Zoning By-law for an R1 Zone.</p>

CONCLUSION:

The Planning Department recommends approval of application B-012-2022, subject to the proposed conditions.

PREPARED BY:

Darren Ding
Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



MEMORANDUM TO FILE

DATE: September 1, 2022

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-012-2022 2005 Kate Ave

SUBJECT: Severance Application for 2005 Kate Ave – 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 the existing sanitary service lateral for the subject property is located on the retained portion of the lot. The proposed severed lot will require a sanitary service lateral connection to the existing municipal sanitary main.
2. It appears that the existing water service lateral for the subject property is located on the severed portion of the lot. The proposed retained lot will require a water service lateral connection to the existing municipal sanitary main.
3. Prior to submitting a Right of Way Activity Permit (RAP) to 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.
4. 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 sanitary service lateral, to the existing municipal sanitary main and restoration of the Town's allowance. All works shall be completed to the satisfaction of the Town and InnServices.
5. 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.

6. 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 prior to demolition of the existing dwelling on the lands, the Owner/Applicant shall temporarily abandon the existing water and sanitary services to the satisfaction of InnServices.
2. 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.
3. That the Owner/Applicant confirm that the existing sanitary conveyance and treatment system can accommodate the required flows that will be generated by the severed lot at the expense of the Owner/Applicant to the satisfaction of InnServices.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 8, 2022

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

FILE/APPLICATION: B-012-2022

SUBJECT: 2005 Kate Ave

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 structures and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department).



ENGINEERING SERVICES

MEMORANDUM TO FILE

DATE: October 17 2022
FROM/CONTACT: Dylan Moore
FILE/APPLICATION: B-012-2022 (2005 Kate Ave)
SUBJECT: Committee of Adjustment Applications – October 2022
Development Engineering 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 inventory, tree preservation, and tree compensation plan** to the satisfaction of the Town, consistent with the Town Standards and Town's "Tree Policy for Development Approvals" (CP.09.08).

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 inventory, tree preservation, and tree compensation plan** to the satisfaction of the Town.

B-012-2022 – 2005 Kate Avenue – Public Comments

Comment #1

“It seems to me the same result - 2 dwellings - could be achieved more economically by building a duplex in a design that reflects the style of the existing neighbourhood.”

Comment #2

“Upon review of application B-012-2022 Plan 947 lot 86 (2005 Kate Ave.) the owners of (*Address removed*) have a number of concerns regarding the application. The the severance of lot 86 and the subsequent proposed structures of 298m² and 419m² will have profoundly negative effects on the neighborhood. It is for the following reasons that the property owners of 1995 Kate Ave. do not support the application in its current format:

1. Environmental Concerns: Kate Ave., is situated in a neighborhood which rests under the canopy of old growth maple trees many over 100-years old. The severance and subsequent development of 2005 Kate Ave. (Plan 947 Lot 86) will lead to a number of old growth maples needing to be cut down. This will affect shading and natural solutions to storm water management. The trees also play an important roll in providing habitat for animals and birds alike. The property is approximately 200m from the shore of Lake Simcoe, the trees and natural vegetation play a role in supporting both the ecosystem of the neighborhood and Lake Simcoe.

Another environmental consideration relates to storm water management and the amount of impermeable surfaces which will be established should this application be approved. A combined building envelope area of 710m² will render a majority of the property impermeable. Without careful consideration of how this application will affect the storm water management system of the neighborhood it should not be approved.

2. Significant Changes to Neighborhood Character: 2005 Kate Ave. is located in an older neighborhood in Alcona as mentioned above the old trees provide a beautiful canopy which provides a natural natural shade and privacy amongst neighbours. This natural asset adds value to the area and is the reason a number of residents in the neighbourhood purchased their homes. As development pressures mount, the canopy in the neighbourhood is becoming more and more sparse. Allowing development applicants to cut down trees indiscriminately will lead to the complete destruction of the canopy in the neighbourhood and enviably will alter the character. Secondly, the proposed building envelopes of 298m² and 412m² will not fit within the current built character of the neighbourhood. Houses this size will be imposing on the streetscape and will restrict the privacy of neighbours. The sheer size of the proposed building envelopes in the application are not consistent with the vision of the Innisfil Official Plan which states "We will manage and plan our growth in a responsible and deliberate way that provides sustainable and timely infrastructure while maintaining the sense of community, rural-character, and small-town feel we value". The application in its current form does not adhere to the stated vision of the Official Plan and therefore should be rejected.

The Committee of Adjustment plays an important role in ensuring that the development that occurs within established neighborhoods in Innisfil is approved based on the merits

of sustainability, maintaining a small town feel and respect for residents already living in these areas. The decisions made by the Committee now will have long lasting affects on the neighborhoods of Alcona for the future.”

Comment #3

The owner wants to severe the lot. This will speed up the change of our neighborhood. From a treed street with big lots is slowly changing to a modern subdivision like neighborhood. The current residents, like myself, moved to this area looking for a treed and peaceful street, not a hectic one with high density population as it would be if applications like this are approved. A few years ago the then owner of 2012 Kate wanted to severe his lot too; the neighbors opposed and the request was rejected. A couple of years ago, the owner of 1990 Kate av requested to severe his lot too, the neighbors opposed during the hearing but unfortunately it was decided to postpone the decision for a second hearing were I guess no many neighbors attended and the request was approved. Please listen to the residents, we don't want to change our neighborhood and reject this request.

Comment #4:

"My family, as most of the neighbors living in this street want to keep our street as it is, houses with yards full of trees and do not like the idea of splitting lots to build small houses with almost no backyard. In the last few years we have had 2 similar applications, in 2018 for 2012 Kate, where the neighbours opposed to it and the request was denied. On 2020 an application to severe the lot at 1990 Kate was presented, again, the neighbors went to the committee, spoke against the proposal but unfortunately one of the council members wanted to postpone the decision and at the following hearing, when most of the neighbours couldn't go, the proposal was approved. For this proposal I beg you to listen to the neighbours. We are opposed to this kind of requests, please consider the precedent, listen to the ones who made this street our home and deny this request. Do not postpone the decision again, I think we, the neighbours, have spoken loud and clear, we are opposed to severe lots in our street."

Comment #5:

"This is a total disrespect, abuse and a total disregard of the way we have chosen to live on Kate ave and this old Alcona ,green, peaceful and quite area. I live here because I don't like subdivisions, we chose to raise our son here because of his medical and special needs, this place was so healing, surrounded by nature, and great spirit people, now, no anymore, I have lived under constructions for the last three years, on both sides and now in front of my home, enough is enough, stop severing our lots and devaluating our properties just for the sake of greed , unless the town is benefitting more than us tax payers, stop ignoring our voices."

Comment #6:

"Keep the charm of the existing neighborhood! Too dense"