

Summary of Comments

B-013-2022 – 772 Happy Vale Drive



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-013-2022
MEETING DATE: October 20, 2022
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Alexander Burnett, Future Planner, Planning Services
SUBJECT: Consent to sever 772 Happy Vale Drive to create one new residential lot

PROPERTY INFORMATION:

Municipal Address	772 Happy Vale Drive
Legal Description	PLAN 1448 LOT 10
Official Plan	Residential Low Density One (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends the approval of application B-013-2022, 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 dwellings and driveways.
- 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 property at 772 Happy Vale Drive to create one new residential lot. The retained lands would have a lot area of 743.22 m² with a lot frontage of 15.24m. The severed lot would have a lot area of 743.22 m² with a lot frontage of 15.24m.

SURROUNDING LANDS:

North	Single detached dwellings
East	Single detached dwellings
South	Happy Vale Drive and single detached dwellings
West	Single detached dwellings

ANALYSIS:

Site Inspection Date	October 13, 2022
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is located within the Primary Settlement of Alcona. Section 1.1.3.1 of the 2020 PPS states that 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:</p> <ul style="list-style-type: none">a) Efficiently use land and resourcesb) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for unjustified and/or uneconomical expansion. <p>According to Section 1.1.3.2, land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3. where this can be accommodated. The subject property is within a settlement area and the proposed severance represents intensification on a public street that contains single detached lots with consistent frontages and areas.</p> <p>Section 1.6.6.2 states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. As a condition of approval, the owner/applicant must provide a connection to Town sewer and water services for the retained and severed lots, to the satisfaction of the Town.</p> <p>The application is considered to be consistent with the PPS, subject to the proposed conditions.</p>
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is located within the Primary Settlement Area of Alcona. Section 2.2.1.2(a) states that the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none">i. Have a delineated built boundaryii. Have existing or planned municipal water and wastewater systems; andiii. Can support the achievement of complete communities. <p>The proposed severance is located within the delineated built boundary of Alcona, is proposed to be on municipal water and sewer servicing, and will be a part of an existing residential neighborhood.</p>

	Staff are of the opinion that the proposal is consistent with the Provincial Growth Plan.
Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is located within the Primary Settlement of Alcona. Policies 6.32 - 6.34 of the LSPP apply to settlement areas. The subject property is not within the LSRCA regulation area and is approximately 500m from the Lake Simcoe shoreline.</p> <p>Staff are of the opinion that the proposed severance is consistent with the LSPP subject to the proposed conditions.</p>
Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property has a designation of "Settlement" per Schedule 5.1 of the County of Simcoe Official Plan. Section 3.5.7 of the County Official Plan states that settlement areas shall be the focus of population and employment growth and that their vitality and regeneration shall be promoted. Residential land uses shall be developed within settlement area boundaries on land appropriately designated in a local municipal official plan for the use. The Town of Innisfil Official Plan permits single detached dwellings within the Residential Low Density One designation.</p> <p>Section 3.3.2 states that subdivision of land by consent is 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 that one of the objectives of the designation of "Settlement" is to focus population and employment growth and development within settlements, with particular influence on Primary Settlement Areas, in accordance with the policies of the Plan.</p> <p>The proposed severance maintains the intent of the settlement area objectives as it promotes population growth and development within the Primary Settlement Area of Alcona. Staff are of the opinion that the proposal 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 property is designated as Residential Low Density One on Schedule B1 of the Town of Innisfil Official Plan. Section 10.2.2 permits single detached dwellings on lands designated as Residential Low Density One. Section 9.2.3 also states that Alcona shall 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. The subject property is located within the Primary Settlement Area of Alcona and the proposed severance promotes efficient land use and increases density in a manner consistent with the densities permitted in the Residential Low Density One designation (10-13 units per net hectare per 10.2.4) Net hectare includes the area of the lot, and area of local roads (23.3.91).</p> <p>Section 10.2.11 states that in cases of 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 variance no greater than 20% of the applicable zoning provisions, and the frontage is consistent with the average frontage on the same street within 250m. The proposed severed and retained lots comply with the minimum lot frontage and area requirements of the zoning by-law and are considered consistent</p>

	<p>with the average frontage on the same street within 250m. There are several lots with 15m frontages to the immediate west of the subject lands, and others on the street that are in the range of about 15-18m frontage, and others that are larger (about 24m, and one 30m lot).</p> <p>The general intent of this policy is to harmonize with the Town's intensification strategy, which states that while infill and intensification is encouraged and in general will be directed to a delineated built up area, "we shall protect and maintain stable residential neighbourhoods from infill and intensification that is out of keeping with the physical and heritage character of those neighbourhoods" (9.9.4). It is considered the proposed lots would not be out of character with the frontages in the area, several of which are the same as the proposed severed and retained lands, including lots abutting the subject lands to the immediate west. As stated, no variances to the zoning are required as lot area and frontage meet the R1 Zone requirements. Staff are of the opinion that the proposed severance conforms to the Town of Innisfil Official Plan.</p>
Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is located within the Residential 1 Zone as part of the Town of Innisfil Zoning By-law. The R1 zone requires a lot area minimum of 600m² and a lot frontage minimum of 15m, for properties with both municipal water and sewer services. The proposed severed and retained property meet the performance standards of the Zoning by-law and therefore is considered to comply with the Town Zoning By-law.</p>
Conforms to Section 2,51(24) and 53(12) of the Planning Act: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Staff have reviewed the matters under Sections 2,51(24) and 53(12) of the Planning Act and are of the opinion that the proposed severance conforms to these sections.</p>

CONCLUSION:

The Planning Department recommends approval of application B-013-2022, subject to the proposed conditions.

PREPARED BY:

Alexander Burnett,
Future Planner, Planning Services

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



MEMORANDUM TO FILE

DATE: October 4, 2022

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-013-2022 772 Happy Vale Drive

SUBJECT: Severance Application for 772 Happy Vale Drive – 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 proposed Lot A. The proposed Lot B 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 Lot B. The proposed Lot A 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 Additional Service Connection Applications to InnServices to service Lot A and Lot B, complete with the applicable Additional Service Connection Application fees.
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.



ENGINEERING SERVICES

MEMORANDUM TO FILE

DATE: October 17 2022
FROM/CONTACT: Dylan Moore
FILE/APPLICATION: B-013-2022 (772 Happy Vale Drive)
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.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: October 17, 2022

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

FILE/APPLICATION: B-013-2022

SUBJECT: 772 Happy Vale Drive

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 dwellings, 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).

B-013-2022 – 772 Happy Vale Drive – Public Comments

Comment #3 – B-013-2022 – 772 Happy Vale Drive

“Plan 1448 Lot 10 to sever this lot at 772 Happy Vale Drive. I am in disagreement for this to happen as the owners never looked after this property to become with the backyard is a disgrace. Our councilor lives across the street and we called on him to make the owners to cut down several trees which were affecting our yard as the roots were affecting our soil. They hired someone who had some of the trees broke our fence broke my leprechaun brass wind turn and one of our solar lights. My husband and neighbor repaired our fence. I think one of their trees fell into the other neighbors property in a storm. We had to pay to have a tree down that was over our roof from their property. There are still 2 trees that we are worried about that if they came down it would take out some of our house. But who do we talk too as the owners have put the house up for sale but real estate is involved. The owners have rented this house for years but will not do too much for the renters. Raised their rent twice this year. The renter on the top floor moved as shown as she heard they had put the house up for sale. The renter is still in the basement. This property has had problems with too much water in the ground. In the spring the backyard has pools of water all over. Our street is over run by cars and trucks using our street to exit on to the 25th side road already the neighborhood hardly ever use Willow next to our street. The road is crumbling. We have lived next door to this property for 25 years and my husband has always tried to control their bushes and weeds next to our fence. We do not want the sever to happen as it might take away our privacy. Once the renter in the basement came to my husband for help. He went over and started to pump the water out which probably saved their house by the time the help the owners arrived. I can't be on the phone call as we don't own the proper phone to do this. A few years ago the property south of us on Sandy Trail asked to sever their lot and were denied. Please do not let this happen.

Comment #4 – B-013-2022 – 772 Happy Vale Drive

“I am currently a tenant and reside at the premises whereby this application is being made for and can attest to first-hand knowledge of the below points made. 1. This application is actually being made on behalf of someone other than the current listed owner Robert Garry White - 772 Happy Vale recently sold on August 15th with a closing date of November 15th. Eskandar (Alex) Azadi whom has filed the application is the realtor for the new owner Parisa Barnahad set to take possession upon closing. However, the current owner listed on the application actually had no idea about the property severance application being made on their behalf until the notice was placed on the front lawn and I contacted them about it first. When I contacted Alex, he told me that this was a project that Parisa was thinking of doing. Essentially the application is being made on behalf of someone who doesn't even own the house or property yet. 2. I have been told and assured that this might be a project for a couple of years in the future - I currently have a lease in place set to take effect on November 15th, 2022 along with the closing of the house. During my conversation with Alex, he assured me that this was a) not a definite project and b) if it were to take place, would do so only in a

couple of years. Since this is a "possible" project for the future, a permit isn't necessary at this time and should be applied for once decisions have been made and when the time actually comes. 3. Neighbourhood aesthetics - I am a little concerned at what the overall aesthetics of Happy Vale would become if we started severing lots on this street. Severing the property is not in line with the current aesthetics of the rest of Happy Vale Drive. The properties on Happy Vale are all on large lots and tend to be owned by the same owner for quite some period of time. Most residents have lived on this street at minimum over a decade, with many others into their second and third's. By severing the lot, it's going to set precedence and eventually make the street start to appear all chopped up rather than flow nicely the way it currently does."

Comment #5 – B-013-2022 – 772 Happy Vale Drive

"I (*names redacted*) do not agree with #772 Happy Vale DR Lot to be severed. I moved from Newmarket to Innisfil (*address redacted*) in 1987 bought a lot and built our custom home because of the nice quiet street with large building lots, this will bring our property value down not to mention having a two-story home right beside my west hedge."