

## **Summary of Comments**

A-071, 072, 073, 080 and 081-2022–  
1018 Innisfil Beach Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** A-071-2022, A-072-2022, A-073-2022, A-080-2022 & A-081-2022  
**RELATED APPLICATION(S):** N/A  
**MEETING DATE:** December 8, 2022  
**TO:** Toomaj Haghshenas, Secretary/Treasurer, Committee of Adjustment  
**FROM:** Chris Cannon, Placemaker/Planner, Planning Services  
**SUBJECT:** Minor variance applications A-071-2022, A-072-2022, A-073-2022, A-080-2022 and A-081-2022 are seeking relief from Table 5.2b F: Sections 3.35.3, 5.1(2), 3.35.1.1 d) and Table 5.2b of Zoning By-law No. 080-13 to construct a mixed use building and associated parking area.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	1018-1028 Innisfil Beach Road
<b>Legal Description</b>	Plan 1249 Lot 1-3
<b>Official Plan</b>	Downtown Commercial Area (Schedule B1 Alcona)
<b>Zoning By-law</b>	Mixed Use 2 (MU2) Zone

### RECOMMENDATION:

The Planning Department recommends deferral of applications A-071-2022, A-072-2022, A-073-2022, A-080-2022 and A-081-2022 until a sixth required variance application respecting angular plane is submitted and notice is circulated.

### REASON FOR APPLICATIONS:

The applicant is proposing relief from five Sections of Zoning By-law No. 080-13 to construct a mixed use building and associated parking area on the subject lands which include the following:

- Table 5.2b F: to permit a mixed use building with a height of 28.26m;
- Section 3.35.3 to permit a mixed use building with a total of 4 accessible parking spaces;
- Section 5.1 (2) to permit a mixed use building with only 628.6m<sup>2</sup> of non-residential uses on the ground floor;
- Section 3.35.1.1 d) to permit a mixed use building with 153 residential parking spaces and 29 shared visitor/commercial parking spaces;
- Table 5.2b to reduce off-street commercial parking requirements of 1 space per 40m<sup>2</sup>

The following chart depicts the standards of Zoning By-law 080-13 and the relief sought through these applications.

Application Number	By-law Section	Requirement	Proposed	Difference
A-071-2022	Table 5.2b F:	24m	28.26m	4.26m
A-072-2022	3.35.3	8 accessible parking spaces	4 accessible parking spaces	4 accessible parking spaces
A-073-2022	5.1 (2)	50% of GFA (ie. 770.02m <sup>2</sup> )	626.6m <sup>2</sup>	143.42m <sup>2</sup>
A-080-2022	3.35.1.1 d)	202 residential and 41 visitor parking spaces	153 residential parking spaces & 29 visitor parking spaces (to be shared with commercial)	49 residential parking spaces & 12 visitor spaces (to be shared with commercial)
A-081-2022	5.2 b	1 space per 40m <sup>2</sup> commercial (15 spaces)	29 commercial spaces (to be shared with visitor)	

**SURROUNDING LANDS:**

<b>North</b>	Single-detached dwellings and accessory structures
<b>East</b>	Vacant lands (future mixed use)
<b>South</b>	Vacant lands (future mixed use)
<b>West</b>	Commercial

**ANALYSIS:**

<b>Site Inspection Date</b>	December 1, 2022
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<p>The subject lands are designated as a downtown commercial area on schedule B1 within the Official Plan. Schedule A of the Official Plan identifies the lands as being within a strategic growth area, as part of a key placemaking destination, and as a primary settlement area (Alcona). Section 2 of the Official Plan provides the policy framework for Placemaking. The key goal for Placemaking is to create places that can be used and enjoyed throughout the year. The increased height contemplated provides an opportunity to provide a variety of 1-3 bedroom units for inclusive housing for the community. The increased dwelling units will also provide efficiencies in the provision of water and sewer services to the site. The site does provide 153 parking spaces, although 202 spaces plus 49 visitor are required, the site is designated “Downtown Commercial Area” and future residents are anticipated to have the opportunity to utilize on-street parking in the area as well as future municipal transit. The addition of these residential units will assist to grow the community and provide opportunities and an example for future residential development.</p> <p>Therefore, staff are of the opinion that the proposed variances conform to the policies of the Official Plan. However, Staff note an additional variance is required for the angular plane at the rear of the building</p>

	<p>(from 45% to 51%) and therefore request deferral until all variances are submitted and proper notice is circulated.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The subject lands are zoned Mixed Use 2 (MU2) Zone within the Town of Innisfil Zoning By-law No. 080-13, which permits mixed use structures and associated parking areas.</p> <p>The intent of the parking provisions provided in the Zoning By-law 080-13 is to ensure that adequate parking is provided for mixed use properties on a general basis. Parking standards vary somewhat by municipality but remain generally consistent in overall count requirements for the proposed site.</p> <p>To accommodate the appropriate considerations for the overall site design, the implementation of appropriate stormwater management, grading, and maintaining all provisions of the MU2 zone would not be achievable, therefore the Minor Variances seek relief to accommodate the overall proposal.</p> <p>In addition, the height of the structure requires recognition to permit a maximum height of 28.26m where maximum 24.0m is required (30m if the building is all commercial). Staff note angular plane of 51% is proposed at the rear of the building, whereas 45% is required in the existing Zoning By-law. The angular plane requirements of the Zoning By-law are intended to reduce the potential for a shadow issue by creating the necessary transitions to limit shadow impact. In accordance with the overall impact review, the height of the building requires relief to address the intent of the provision. An appropriate shadow review has been conducted to ensure that the intent of the angular plane is maintained while slight relief is required to accommodate the intended development on the site and is being mitigated with the appropriate buffering from the neighbouring residential uses to the north. Notwithstanding this, no variance was submitted specifically for angular plane and no notice was circulated. Therefore Staff request this matter be deferred until notice is provided and variance submitted.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The Community of Alcona has been earmarked as a key destination for future growth and improvements in order to provide a sense of community. The addition of 161 residential units will achieve a portion of the growth anticipated for the area while also providing a streetscape improvement which will most likely lead to further improvements for the adjacent area.</p> <p>Based on the above, it is Staff’s opinion that the variances requested maintain an appropriate and desirable use of the land and buildings. Nevertheless, Staff request deferral until the angular plane variance and notice is provided.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> <b>Yes</b></p>	<p>To determine whether a variance is minor in nature, it is important to consider the impact the variance would have on adjacent lands. The proposed development generally maintains the height provision of the</p>

<input type="checkbox"/> <b>No</b>	<p>Zoning By-law. The MU2 zone applies to the lands directly east and west of the subject lands. It is anticipated that future development will utilize the maximum permitted height provisions in these locations. Lands to the north directly behind the proposed development are zoned “Residential 1 (R1)” which permits a maximum height of 9m. However, a landscape buffer between the proposed structure and the R1 zone will be required.</p> <p>In addition, to limit the parking visible from the street, underground parking has been proposed within the development. Access to the site is proposed to be contained solely within Innisfil Beach Road directed away from the R1 zone, which will discourage the use of overflow parking in that area which could have impacts on the uses existing within the R1 zone. As a result, the impact between the zones is achieved with a reduction in parking and a moderate increase in height with the landscape buffer as well as the angular plane consideration for the mixed use building.</p> <p>Staff are of the opinion the proposed variances to permit a mixed use structure and associated parking area on the subject lands can be considered minor in nature. Notwithstanding this, Staff request deferral until the angular plane variance is submitted and notice is circulated.</p>
------------------------------------	--

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP

Supervisor of Development Acceleration

## MEMORANDUM TO FILE

**DATE: December 2, 2022**

**FROM/CONTACT: Tony Mendicino, [tonym@innpower.ca](mailto:tonym@innpower.ca)**

**FILE/APPLICATION: A-071, A-072, A-073, A-080 and A-081-2022**

**SUBJECT: 1018 Innisfil Beach 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):

InnPower has some supply capacity issues for this development. Developer needs to contact InnPower to submit a service application and determine the size and voltage of the transformer required. The developer is recommended to be a member of the Alcona Developers group in order to share the cost of the distribution station upgrade cost share, otherwise the cost may be born by the developer in order for InnPower to be able to supply this development.

**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)





Sent via e-mail: thaghshenas@innisfil.ca

December 2<sup>nd</sup>, 2022

Municipal File No.: A-071, A-072, A-073, A-080, & A-081-2022

LSRCA File No.: VA-402121-120222

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

Dear Mr. Haghshenas:

Re: **Minor Variance Application – LSRCA Comments**  
**Owners: 2844365 Ontario Inc. (Flagship Developments)**  
**Applicant/Agent: Lorelie Spencer, Spencer Planning Services Inc.**  
**1018-1028 Innisfil Beach Rd., Innisfil**

---

Thank you for circulating the subject Minor Variance applications to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. We understand that this application has been made to requesting minor variance to address the proposed deficient resident, commercial, and accessible parking, deficient ratio of non-residential to residential uses on the ground floor, and exceeding maximum permitted height of 24 metres.

*There is an associated Site Plan Application (SP-402121-011422) which remains on-going. The LSRCA has also pre-consulted on the proposed development, providing pre-consultation comments dated January 26<sup>th</sup>, 2022.*

**Documents Received for Review and Comment**

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

- Notice of Hearing, including Committee of Adjustment Agenda
- Minor Variance Application Form
- Architectural Drawings Package, prepared by OBS Architects Inc.

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario 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 the Town of Innisfil, 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. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

**Recommendation**

Based on our review of the submitted information, in support of this application, we have no objection to the proposed Minor Variance applications. It is recommended that any approval of this application be subject to the following condition:

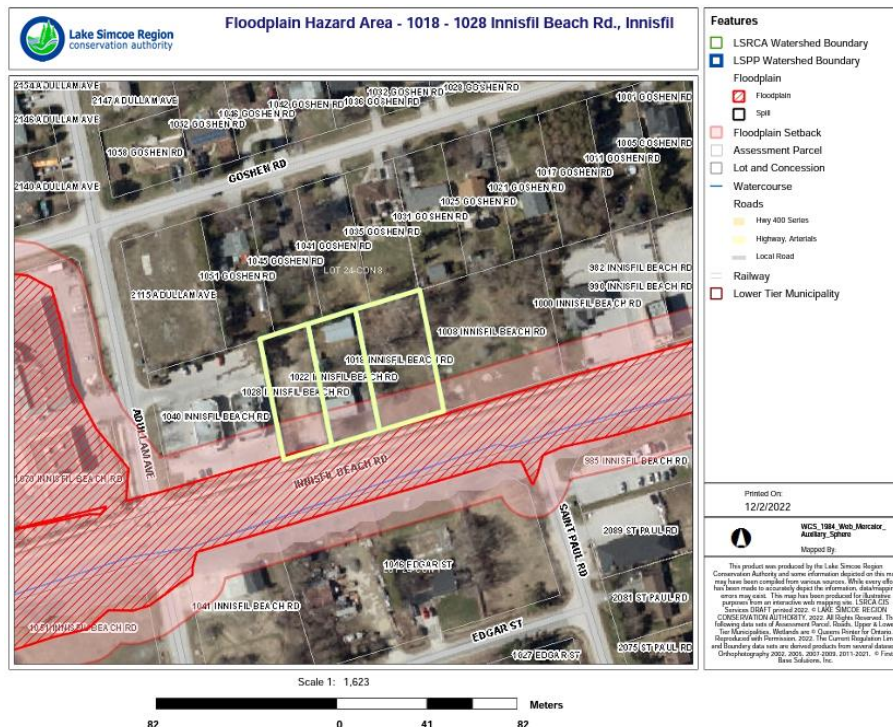
- That the Applicant/Owner provide the required fee payment for Consent/Minor Variances (Minor – Planner Review Only) of \$525.00, as per the LSRCA Fee Schedule.

**Site Characteristics**

The subject properties are located within the upper-tier municipality of the County of Simcoe and designated as “Settlements” within the County of Simcoe Official Plan. The properties are located within the lower-tier municipality of the Town of Innisfil and are designated as “Downtown Commercial Area” as per Schedule B1 of the Town’s Official Plan. The properties are located within a Strategic Growth Area, as per Schedule A, as part of a key placemaking destination, and are within the Primary Settlement Area of Alcona. The properties are all located in an Ecologically Significant Groundwater Recharge Area.

The subject properties are regulated, as per Ontario Regulation 179/06 of the *Conservation Authorities Act*. Existing mapping indicates:

- Floodplain Hazard Area, and Floodplain Setback.





**Delegated Responsibility and Statutory Comments:**

1. LSRCA has reviewed the application through our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS).

This application is in conformity with Section 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.

The subject properties are regulated, as per Ontario Regulation 179/06 of the *Conservation Authorities Act*. Therefore, LSRCA Permit is required ahead of any development or site alteration taking place.

**Advisory Comments:**

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil, in that we provide through an MOU, but as well as through our role as a public body, pursuant to the *Planning Act*.

The subject properties are all located within an Ecologically Significant Groundwater Recharge Area, and the proposed development will reflect “major development” as defined by the Lake Simcoe Protection Plan (LSPP) and the Lake Simcoe Phosphorus Offsetting Policy (LSPOP). Therefore, 4.8-DP and 6.40-DP of the LSPP are applicable to the proposed development. A Functional Servicing Report and Stormwater Management Report has been received. LSRCA is awaiting receipt of the required Hydrogeological Report, which we have been advised remains underway. Review of these documents, and conformity with 4.8-DP and 6.40-DP of the LSPP, will be undertaken through the on-going Site Plan Application process.

**Summary**

Based on our review of the submitted information, in support of this application, we have no objection to the proposed Minor Variance applications. It is recommended that any approval of this application be subject to the following condition:

- That the Applicant/Owner provide the required fee payment for Consent/Minor Variances (Minor – Planner Review Only) of \$525.00, as per the LSRCA Fee Schedule.

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

1. The application is consistent with Section 3.1 of the PPS; and
2. Ontario Regulation 179/06 is applicable, therefore, LSRCA Permit is required ahead of development or site alteration taking place.

Should you have any questions concerning these comments, please contact the undersigned ([l.munnoch@lsrca.on.ca](mailto:l.munnoch@lsrca.on.ca)) and reference the above-noted file numbers in all correspondence. Please advise our office of any decision made with regard to this matter.

Sincerely,

A handwritten signature in black ink that reads "Liam Munnoch". The signature is written in a cursive style with a large initial 'L'.

Liam Munnoch, Planner 1, LSRCA



Community Development Standards Branch

MEMORANDUM TO FILE

**DATE:** November 28, 2022

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

**FILE/APPLICATION:** A-071, 072, 073, 080 &081-2022

**SUBJECT:** 1018 & 1028 Innisfil Beach 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):

1. 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)

1. No comments.

## **A-071, 072, 073, 080 and 081-2022– 1018 Innisfil Beach Rd – Public Comment**

We live at [REDACTED] rd and the proposed building would be build directly behind our property and totally interfere with our privacy, an 8 story building is far above any other buildings in Alcona, we moved here 4 years ago with the thought of living in this beautiful community and growing old here and to have this huge building erected directly behind us is very upsetting, not to mention that they want to put supports into OUR property 33 - 45 ft and they only want to put up a 5 ft fence which is way to low for the parking lot which would adjoin our back yard and the potential damage to our property from all the construction..!! We have a bunkie, some sheds and a well that all are very near the very back of our property, we don't want anything disturbed but most of all we do not want this massive building standing over us as we sit in our yard in the summer as we see people looking down on us from this structure. We are all for the town growing but an 8 story building in a residential area where nothing like this is anywhere else..!! We are down to earth people and we love this town but we feel like nothing we say will matter, all we want is to be heard and to have a say in what happens to and near our home.. Thank you