

Summary of Comments

B-002-2023 - 856 Lebanon Drive



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-002-2023
MEETING DATE: January 19, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Planner/Placemaker
SUBJECT: Consent to sever 856 Lebanon Drive to create one new residential lot

PROPERTY INFORMATION:

Municipal Address	856 Lebanon Drive
Legal Description	CON 8 PT LOT 25 PLAN 1449 PT LOT 56 RP 51R7350 PARTS 2 TO
Official Plan	Residential Low Density 1 (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-002-2023, 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 to remove the portion of the dwelling that straddles the proposed property line such that the existing dwelling meets all setback requirements from the new property line.
- 5.) That both the retained and severed lots shall connect to municipal sewer and water services to the satisfaction of the Town.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands at 856 Lebanon Drive to create one new residential lot. The retained lands would have a lot area of 924.60 m² with a lot frontage of 18.29m along Lebanon Drive. The severed lot would have a lot area of 1,002.42 m² with a lot frontage of 19.81m along Lebanon Drive.

SURROUNDING LANDS:

North	Low density residential (2186 25 Sideroad)
East	Low density residential (848 Lebanon Drive & 2180 25 Sideroad)
South	Lebanon Drive; Low density residential (859 Lebanon Drive)
West	Low density residential (860 Lebanon Drive)

ANALYSIS:

Site Inspection Date	January 12, 2023
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. 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.</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 shall provide a connection to Town’s 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 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	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

<p>Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>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 proposed development is consistent with the applicable policies of the LSPP.</p>
<p>Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<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 1 designation, the subject lands are located within the settlement area of Alcona and maintain the intent of the settlement area objectives, the application conforms to the County of Simcoe Official Plan.</p>
<p>Conforms to the Town of Innisfil Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated Residential Low Density 1 on Schedule B1 to the Town Official Plan. Section 10.2.2 permits single detached dwellings within the Residential Low Density 1 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 8 residential properties with lot frontages along Lebanon Drive within 250 metres of the subject lands which contain a variety of lot frontages ranging from approximately 18 metres to 36 metres. There are two lots with 18-20m frontages to the immediate west of the subject lands. As such, the proposed lot frontages of 18.29 metres and 19.81 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 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 that the application conforms to the Town of Innisfil Official Plan, subject to the proposed 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 924.60 m² with a lot frontage of 18.29m along Lebanon Drive. The severed lot would have a lot area of 1,002.42 m² with a lot frontage of 19.81m along Lebanon Drive. 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. 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-002-2023, subject to the proposed conditions.

PREPARED BY:

Darren Ding
 Planner/Placemaker

REVIEWED BY:

Steven Montgomery, MCIP, RPP
 Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: January 11, 2023

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

FILE/APPLICATION: B-004-2023

SUBJECT: 856 Lebanon 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 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 accessory structures and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department).



MEMORANDUM TO FILE

DATE: January 12, 2023

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-002-2023 856 Lebanon Drive

SUBJECT: Severance Application for 856 Lebanon 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 water and sanitary service laterals for the subject property are located on the proposed eastern lot. These services are currently servicing the existing dwelling located on the proposed western lot. Prior to severance occurring, these existing service laterals will need to be cut and capped (temporarily abandoned) near the front property line, as these service laterals will be utilized by the proposed eastern lot. New water and sanitary service laterals, from to the existing municipal water and sanitary main to property line will be required for the western lot. These new service laterals will need to be constructed prior to Certificate of Official for the proposed severance.
2. 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 proposed western lot, complete with the applicable Additional Service Connection Application fees.
3. 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 water and sanitary service laterals, to the existing municipal water and sanitary mains and restoration of the Town's road allowance. All works shall be completed to the satisfaction of the Town and InnServices.
4. 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.

5. 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 the Owner/Applicant temporarily abandon the existing water and sanitary services located on the eastern lot to the satisfaction of InnServices.
2. That the Owner/Applicant construct additional water and sanitary service laterals for the western lot to the satisfaction of InnServices.
3. 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.
4. 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: January 13, 2023
FROM/CONTACT: Devina Mohamed
FILE/APPLICATION: B-002-2023
SUBJECT: Consent to sever 856 Lebanon Drive to create one new residential lot

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 a **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.