

Summary of Comments

B-001& A-003-2023 - 3925 Algoma
Avenue



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-001-2023
RELATED APPLICATION(S): A-003-2023
MEETING DATE: March 16, 2023
TO: Toomaj Haghshenas, Secretary/Treasurer, Committee of Adjustment
FROM: Chris Cannon
Placemaker/Planner
SUBJECT: Consent to sever 3925 Algoma Avenue

PROPERTY INFORMATION:

Municipal Address	3925 Algoma Avenue
Legal Description	Plan 593 Lots 69 to 73
Official Plan	Shoreline Residential Area
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of Consent application B-001-2023 subject to the following conditions:

CONDITIONS:

- 1.) That the newly created lot configuration be modified in order to adhere to lot frontage and lot area requirements of the R1 zone;
- 2.) That the owner/applicant provide a road extension of Algoma Avenue approximately 51m north engineered to standards at the owner/applicant's expense acceptable to the Town;
- 3.) That a new driveway for the retained lands be constructed with appropriate Town approvals;
- 4.) That the existing entrance driveway be used for the severed lands and obtain the appropriate approvals from the Town.
- 5.) That \$500.00 be provided to the Town of Innisfil for a new boulevard tree.
- 6.) 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.

- 7.) That a hydrogeological study is submitted that demonstrates that a well and septic system can function on the proposed severed and retained lands, to the satisfaction of the Town of Innisfil, in accordance with the Town's Official Plan policies
- 8.) 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 on the severed lot, any changes required to the driveway of the severed lot, and for the new driveway of the retained lot

REASON FOR APPLICATION(S):

The applicant is proposing to sever a portion of the subject lands for the purpose of creating a new lot on the south portion of the subject lands. The severed lands are proposed to have an approximate lot area of 1005.84m² hectares, whereas the Town's Zoning By-law requires a lot area of 1400m².

SURROUNDING LANDS:

North	Vacant
East	Single detached dwelling
South	Single detached dwelling
West	Vacant and Single detached dwelling

ANALYSIS:

Site Inspection Date	January 11, 2023
Consistent with the Provincial Policy Statement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Section 1.1.4 of the PPS provides policies for Rural Areas in municipalities. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. The subject property is classified as being in a Rural Lands by the PPS due to its Rural designation in the County and Township Official Plans. The PPS, specifically Section 1.1.5.2 g) identifies other rural land uses, as permitted uses on Rural Lands. The proposed severed and retained lands are considered other rural land uses in accordance with the PPS and are a permitted use.</p> <p>Section 1.6.6.4 provides policies that apply to development on individual wells and septic systems. The PPS states that individual on-site sewage services and individual on-site water services may be used for a new development provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The proposed retained lot will continue to utilize the existing on-site sewage and water services along with the severed lot.</p> <p>Subject to the proposed conditions, the application would be consistent with the PPS.</p>
Consistent with the Provincial Growth Plan:	As outlined in Section 2.2.9 (3) of the Growth Plan, development outside of settlement areas may be permitted on rural lands provided that it is compatible with the rural landscape and surrounding local land

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>uses, will be sustained by rural services and will not negatively affect agricultural uses. The proposed consent application conforms to Section 2.2.9 (3) of the Growth Plan. The proposed new lot facilitates a use that is permitted by the Zoning By-law and is the same use as the existing use on the subject lands. The new lot can be sustained by rural service levels and will not negatively affect residential uses in the area.</p> <p>Subject to the proposed conditions, it is considered that this application is consistent with the Provincial Growth Plan policies.</p>
<p>Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are subject to the LSPP policies. The subject lands are not within the regulatory area of the LSRCA and the proposal is for an infill lot on lands zoned R1. Subject to the proposed conditions, Staff are of the opinion the proposed application would conform to the policies of the LSPP.</p>
<p>Conforms with the County Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated “Rural” as per Schedule 5.1 – Land Use Designations. Under the Rural designation, limited residential development is permitted, as provided in Policy 3.7.4. However, the County Official Plan states that lots may only be created where they have access to and frontage on a public highway as per policy 3.3.4. The retained lands if severed from the severed lands, would no longer have ‘frontage’ on a public highway. Therefore Staff are requiring the extension of Algoma Road to provide the retained lands with frontage on a public highway. Subject to the proposed conditions, this Application would meet this policy of the County Official Plan.</p> <p>Section 4.7.6 of the County OP allows for development to occur on individual on-site sewage services and individual on-site water services provided that site conditions are suitable for the long-term provision with no negative impacts. The existing dwelling on the proposed Retained Lot will utilize an existing septic and well. The proposed severed lots are to be serviced by future individual on-site services.</p> <p>Subject to the proposed conditions, this application would conform to the County of Simcoe Official Plan.</p>
<p>Conforms with the Town Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated “Shoreline Residential Area” within the Town’s Official Plan on Schedule B11. Severances in this area are allowed subject to Section 19.2.9. In the opinion of Staff, subject to the proposed conditions, 19.2.9 would be met.</p> <p>While the Official Plan does permit lot severances on the subject lands, the Official Plan requires severed and retained lands to have direct access (frontage) to an open and maintained public road (5.3.19, 19.2.9) . Therefore, Staff are recommending the condition that Algoma Avenue be extended north approximately 51m at the sole cost of the owner/applicant.</p>

	<p>Staff note Section 19.2.4 of the Official Plan states that larger lot sizes may be required for servicing purposes, environmental conservation considerations, or to fit in with the existing development or lot pattern in the vicinity. There is no reason the new lot cannot have a larger area if the road is extended, which is a requirement of the Official Plan to ensure both lots have frontage on an open and maintained public road. This would allow the new lot to more closely resemble the larger lot pattern that exists on the street, and therefore meet 19.2.4.</p> <p>Subject to the proposed conditions, the severance would conform to the Official Plan policies.</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) Zone.</p> <p>The severed lands are proposed to have an approximate lot area of 1005.84m² where 1,400m² is required by the By-law, but do comply with the lot frontage requirements (22m). The retained lands will comply with the frontage and area requirements of the Zoning By-law, however will not be situated on an open and publicly maintained road. If the road is extended, there is no reason the lot cannot be enlarged to resemble the general lotting pattern on the street, and therefore a variance would not be required. Subject to the proposed conditions, both the severed and retained lots would not need variances and therefore compliance with the Zoning By-law will occur.</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>The proposed Consent has been reviewed under Section 2, 51(24) and 53(12) of the <i>Planning Act</i>. In the opinion of Staff, this application would conform to these sections of the <i>Planning Act</i> are met, subject to the proposed conditions.</p>

CONCLUSION:

Staff recommend approval of application B-001-2023, subject to the proposed conditions.

PREPARED BY:

Chris Cannon, Placemaker/Planner

REVIEWED BY:

Steven Montgomery, Supervisor of Development Acceleration



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-003-2023
RELATED APPLICATION(S): B-001-2023
MEETING DATE: March 16, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Chris Cannon, Placemaker/Planner, Planning Services
SUBJECT: Minor variance application seeking relief from Section 4.2(a) of the Zoning By-law No. 080-13 for minimum lot area.

PROPERTY INFORMATION:

Municipal Address	3925 Algoma Avenue
Legal Description	Plan 593 Lots 69 to 73
Official Plan	Shoreline Residential Area (Schedule B11)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends refusal of application A-003-2023.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands to create a lot with deficient lot area. 1400m² is required whereas 1006m² is requested.

Application Number	By-law Section	Requirement	Proposed	Difference
A-003-2023	4.2a	1400m ²	1006m ²	394m ²

SURROUNDING LANDS:

North	Vacant land zoned R1, single-detached dwellings
East	Single-detached dwellings
South	Single-detached dwellings
West	Algoma Avenue

ANALYSIS:

Site Inspection Date	February 14, 2023
Maintains the purpose and intent of the Official Plan: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The subject lands are designated as “Shoreline Residential Area” on Schedule B11.</p> <p>The permitted uses within this designation are single detached dwellings and accessory structures (19.2.2), subject to density provisions confirmed through a hydrogeological study. 19.2.9 states the tests for severances, including direct frontage on an open and maintained public road. 19.2.4 requires that lot sizes fit with existing development or the lot pattern in the vicinity. 19.2.5 requires lot density meet the required zoning and fits into the existing built form character of the surrounding residential neighbourhood for the lands.</p> <p>Staff have requested that the severed lot be enlarged and the existing road be extended so that B-001-2023 conforms to the Official Plan policies listed above. If the severed lot is enlarged to 1400m², the variance is not required and the Official Plan is met.</p>
Maintains the purpose and intent of the Zoning By-law: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The subject property is zoned Residential 1 (R1) in the Town’s Zoning By-law No. 080-13, which permits single detached dwelling and accessory structures.</p> <p>The R1 zone requires a lot area minimum of 1400m² and a lot frontage minimum of 22m, for properties without sewer and water. A variance is required for the severed lot as it does not meet minimum lot area (1006m² vs 1400m²).</p> <p>The purpose and intent of 1400m² is to provide sufficient room for a septic and well, and to ensure lots are consistent in size within a given neighbourhood or on a given street. This lot is smaller than other lots on the same street which makes it inconsistent, and further it does not need to be if the road is extended to meet Official Plan policies as stated in the planning comments for B-001-2023. Considering these matters, Staff recommend enlargement of the severed lot, refusal of the variance, and approval of B-001-2023, subject to its conditions.</p> <p>As stated in the planning comments for B-001-023.</p>
The variance is desirable for the appropriate/orderly development or use of the land: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Staff have concerns about driveway locations including the proposed driveways and proposed building envelope, but these concerns can be alleviated through the conditions proposed for B-001-2023 and enlargement of the severed lot, and extension of the street.</p> <p>The current proposed variance can be avoided if modifications are made to the proposal which would allow the new lot to meet the requirements of the lot area minimum standards. Staff are of the opinion the current proposed variance is not desirable for the appropriate/orderly development use of the land and rather the severed lands should be enlarged.</p>

The variance is minor in nature: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The application is not considered minor in nature as the proposed lot area minimum is significantly lower (>28%) of the required lot area minimum performance standard, and is inconsistent with lot sizes on the same street, and also because the variance can be avoided by extending the road and as per the conditions of B-001-2023.
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PREPARED BY:

Chris Cannon, Placemaker/Planner

REVIEWED BY:

Steven Montgomery
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: February 9, 2023

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

FILE/APPLICATION: A-003-2023

SUBJECT: 3925 Algoma 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 provide a site plan with proposed building and septic footprint that meets all Ontario Building Code required clearances to neighbouring wells and on-site sewage systems, to the satisfaction of Community Development Standards Branch (Building Department).
2. Please provide an updated the site plan with the setback from the existing septic system to the new property line of the proposed severed parcel, to the satisfaction of Community Development Standards Branch (Building Department).



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: February 9, 2023

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

FILE/APPLICATION: B-001-2023

SUBJECT: 3925 Algoma 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 provide a site plan with proposed building and septic footprint that meets all Ontario Building Code required clearances to neighbouring wells and on-site sewage systems, to the satisfaction of Community Development Standards Branch (Building Department).
- 2) Please provide an updated the site plan with the setback from the existing septic system to the new property line of the proposed severed parcel, to the satisfaction of Community Development Standards Branch (Building Department).



ENGINEERING SERVICES

MEMORANDUM TO FILE

DATE: January 13, 2023
FROM/CONTACT: Devina Mohamed
FILE/APPLICATION: B-001-2023
SUBJECT: Consent to sever 3925 Algoma Avenue 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.