

Summary of Comments
B-003-2023 – 904 and 914
Sheppards Trail



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-003-2023
MEETING DATE: March 16, 2023
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Darren Ding, Planner/Placemaker
SUBJECT: Lot boundary adjustment between 904 Sheppards Trail and 914 Sheppards Trail.

PROPERTY INFORMATION:

Municipal Address	904 Sheppards Trail and 914 Sheppards Trail
Legal Description	PLAN 96 PT LOTS 728 & 729 RP 51R9807 PART 2 PLAN 96 PT LOTS 730 TO 732 RP 51R9807 PARTS 3 TO 7 SAVE
Official Plan	Residential Low Density 1 (Schedule B3)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-003-2023, subject to the following conditions:

CONDITIONS:

- 1.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town, for the lot boundary adjustment. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.
- 2.) That the severed lands merge with the adjacent lands to the north known municipally as 904 Sheppards Trail.

REASON FOR APPLICATION:

The applicant is proposing a lot boundary adjustment which will result in the transfer of 551m² of residential vacant land from 914 Sheppards Trail to 904 Sheppards Trail.

SURROUNDING LANDS:

North	Low density residential (898 Sheppards Trail)
East	Low density residential (900 & 917 Sheppards Drive) and vacant residential lands
South	Robinson Street and low density residential (1004 & 1008 Robinson Street)

West	Low density residential (905-919 Goldie Street)
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ANALYSIS:

Site Inspection Date	March 8, 2023
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are within the settlement area of Lefroy – Belle Ewart as defined in the PPS. No lot is being created, rather a lot boundary adjustment. Section 1.6.6.3 states where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety. Both properties already have existing municipal sewer services and have private individual on-site water service on each lot (a well), so no additional servicing is required. The proposal will have no impact on current infrastructure use and does not require any expansion to accommodate the proposal. Thus, the application is considered to be consistent with the PPS, subject to the proposed conditions.
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are within a settlement area, as previously stated. Since the proposed application would not result in the creation of a new lot, would not adversely impact neighbouring residential lands, and would not introduce new land uses as the residential use would remain, the application is consistent with the Growth Plan policies.
Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	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 sewer services and private on-site water services, which will have no impacts associated with the quality and quantity of urban run-off into receiving streams, lakes, and wetlands. As such, the application is consistent with the LSPP.
Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are designated Settlements on Schedule 5.1 to the County of Simcoe Official Plan. Section 3.3.5 states consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in the County of Simcoe Official Plan, Provincial policies and legislation. The definition of legal or technical reasons in the County Official Plan includes minor boundary adjustments, which do not result in the creation of a new lot. The proposal conforms to the County of Simcoe Official Plan.
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 1 on Schedule B3 to the Town of Innisfil Official Plan. Section 10.2.2 lists the permitted uses in the Residential Low Density 1 designation, which include single detached dwellings. The lands are also located within the Urban Settlement Area of Lefroy – Belle Ewart.</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 250m. The proposed lot boundary adjustment will not result in</p>

	<p>the creation of a new lot. Both lots are proposed to comply with the minimum lot frontage and area requirements in the zoning by-law, so no variances are required. There are approximately 10 residential properties with frontages along Sheppards Trail within 250m of the subject lands which contain a variety of frontages ranging from approximately 14m to 40m. The proposed frontages of 49m and 40m along Sheppards Trail would not be out of context and would be more consistent with the average street frontages in the area than the existing ones (29m and 60m respectively).</p> <p>Currently, the property at 904 Sheppards Trail has a lot area of 732m². The property at 914 Sheppards Trail is an oversized residential lot at approximately 1654m². With the lot boundary adjustment of 551m² from 914 Sheppards Trail to 904 Sheppards Trail, it will result in two appropriately sized residential lots that are in keeping with the community context (1283m² and 1103m² respectively).</p> <p>Since the lot boundary adjustment will result in two appropriately sized residential lots, will not result in the creation of a new lot, and conform to the permitted uses in the designation, the application conforms to the Town of Innisfil Official Plan.</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. Table 5.1 lists the permitted uses in the R1 Zone, which include single detached dwellings. The properties are both currently used for residential purposes and the single detached dwelling uses will continue. Table 5.2 notes the minimum lot area for a R1 zoned property is 600m² and the minimum lot frontage is 15m. The lot frontages of both properties will not change as a result of the lot boundary adjustment. The application would result in both lots complying with the minimum 600m² lot area, maximum 35% lot coverage and all setback requirements. In consideration of the above, the application complies with the Town's Zoning By-law.</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.</p>

CONCLUSION:

The Planning Department recommends approval of application B-003-2023, 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: March 8, 2023

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

FILE/APPLICATION: B-003-2023

SUBJECT: 904 & 914 Sheppard's Trail

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.

MEMORANDUM TO FILE

DATE: March 6, 2023

FROM/CONTACT: Milan Boldin, milanb@innpower.ca

FILE/APPLICATION: B-003-2023

SUBJECT: 904 & 914 Sheppard's Trail

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 service to 914 Sheppard's Trail would need to be relocated if the underground crosses the newly severed lot, to remove an unground trespass. Customer at 914 Sheppard's Trail would be responsible for all costs.

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)

