

# **Summary of Comments**

**B-005-2023 – 1124-1154 Innisfil  
Beach Rd**



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER(S):** B-005-2023

**RELATED APPLICATION(S):** N/A

**MEETING DATE:** April 20, 2023

**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

**FROM:** Chris Cannon, Placemaker/Planner

**SUBJECT:** Consent in order to create an easement for the construction of a sound barrier as per the conditions of Site Plan approval

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### PROPERTY INFORMATION:

|                          |   |
|--------------------------|---|
| <b>Municipal Address</b> | 1124, 1130, 1136 and 1154 Innisfil Beach Road   |
| <b>Legal Description</b> | CON 8 PT LOT 23 RP 51R42041 PART 10, PLAN 1318 PT LOT 1 LESS RP 51R29695 PART 6, PLAN 1318 PT LOT 2 LESS RP 51R29695 PART 5, PLAN 1318 PT BLK A PT MCNABB ST RP 51R42041 PART 5, PLAN M504 PT BLK 59 RP 51R42041 PART 1, PLAN 1318 PT BLK A PT MCNABB ST RP 51R42041 PART 4, and INNISFIL CON 8 PT LOT 23 PLAN 1318 1 FT RES RP |
| <b>Official Plan</b>     | Downtown Commercial Area  |
| <b>Zoning By-law</b>     | Mixed Use Exception 3 (MU2-3) Zone  |

### RECOMMENDATION:

The Planning Department recommends approval of B-005-23, subject to the below conditions:

### CONDITIONS:

- 1.) That the applicant/owner submit a deposited Reference Plan indicating the location and terms of the easement agreement.

### REASON FOR APPLICATION(S):

The Applicant is proposing to create an easement for the purpose of a sound barrier between Building 'A' and 'D', attaching it to the ownership of Building 'A' for maintenance purposes.

### SURROUNDING LANDS:

|              |   |
|--------------|---|
| <b>North</b> | Single-detached dwellings and accessory structures                    |
| <b>East</b>  | Vacant lands  |
| <b>South</b> | Innisfil Beach Road, commercial buildings                             |
| <b>West</b>  | Single-detached dwellings and accessory structures and Jans Boulevard |

#### ANALYSIS:

|  |   |
|--|---|
| <b>Site Inspection Date</b>  | March 29, 2023  |
| <b>Consistent with the Provincial Policy Statement:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No        | <p>The subject lands are located within the Primary Settlement Area of Alcona. The PPS promotes three main policy sections: Building Strong and Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety.</p> <p>Considering these matters, the proposal for an easement for a sound barrier will not compromise those sections and Staff consider the application is consistent with the PPS.</p>   |
| <b>Consistent with the Provincial Growth Plan:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No             | <p>The subject lands are located within the Primary Settlement Area of Alcona which allows the proposed commercial and residential development. The site is not located in or adjacent to any natural heritage features and does not contain any significant built heritage resources or significant cultural heritage landscapes.</p> <p>In the opinion of Staff, this application as proposed is consistent with the Provincial Growth Plan.</p>  |
| <b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>The LSPP generally provides a policy framework identifying that settlement areas are where development is concentrated, phosphorus loading or for the creation of new lots and built form.</p> <p>The proposal is consistent with the LSPP as it would not change the landform or natural vegetative characteristics.</p>  |
| <b>Conforms with the County Official Plan:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                 | <p>The subject lands have a designation of "Settlements" as per Schedule 5.1 – Land Use Designations, which allows the proposed commercial and residential uses. The portion of the site for the proposed easement will not offend the natural heritage, transportation, or the subdivision of land policies, as no new lot is being created.</p> <p>The proposed Consent application to facilitate the creation of an easement is considered to meet the policies of the County of Simcoe Official Plan.</p>   |
| <b>Conforms with the Town Official Plan:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                   | <p>The subject lands are within the Primary Settlement Area of Alcona and designated as "Downtown Commercial Area" on Schedule B1.</p> <p>The permitted uses within this designation are (among other uses) mixed use buildings, retail uses and eating establishments. This proposal is to create an easement for the purpose of a sound barrier to deflect noise from the proposed drive through associated with the restaurant from adjacent land uses.</p> <p>Therefore, the proposed Consent application is considered to meet the policies of the Town's Official Plan.</p> |

|  |   |
|--|---|
| <b>Complies with the Town Zoning By-law:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                         | The lands subject to the Consent application are within the MU2-3 Zone. The proposed easement was required as part of the detailed review of the Site Plan application and no changes are required to the parameters of the Zoning By-law to permit the easement. Therefore the application complies with the Zoning By-law.  |
| <b>Conforms to Section 2, 51(24) and 53(12) of the Planning Act:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>This application has been reviewed and in the opinion of Staff conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>.</p> <p>Section 51(24) requires regard to be had to the effect of development on matters of provincial interest, whether the subdivision is premature or in the public interest, whether the plan conforms to the official plan and adjacent plans of subdivision, the suitability of the land for the purpose of the easement and other matters. Staff are of the opinion, considering the materials submitted, and review of applicable policies, this application conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>.</p> |

**CONCLUSION:**

Staff recommend the application B-005-23 be approved.

**PREPARED BY:**

Chris Cannon, Placemaker/Planner

**REVIEWED BY:**

Steven Montgomery, Supervisor of Development Acceleration



**Community Development Standards Branch**

**MEMORANDUM TO FILE**

**DATE:** April 14, 2023

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

**FILE/APPLICATION:** B-005-2023

**SUBJECT:** 1124-1154 Innisfil Beach Road

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**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 comment.

**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 comment.



Sent via e-mail: thaghshenas@innisfil.ca

April 14, 2023

Municipal File No.: B-005-2023  
LSRCA File No.: CO-306992-040323

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

Dear Mr. Haghshenas:

Re: **Application for Consent**  
**1124-1154 Innisfil Beach Rd**  
**Town of Innisfil**  
**Owner: Innisfil Beach Commercial Group Inc**  
**Agent: MHBC Planning (c/o Graham Richards)**

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority ("LSRCA") for review and comment. It is our understanding that the proponents are proposing a consent to address conditions of approval for file **SP-2016-001** which requires an easement for the construction of a sound barrier.

**Documents Received and Reviewed by Staff**

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

- Planning Justification Letter (prepared by MHBC Planning and dated February 15<sup>th</sup>, 2023)
- Site Plan (dated December 12<sup>th</sup>, 2017)

Staff has 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, 2020 (PPS) and as a regulatory authority under Ontario Regulation 179/06 of the Conservation Authorities Act. The LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil.

*It is noted that the LSRCA provided review and comment for the associated Site Plan Approval application.*

## Recommendation

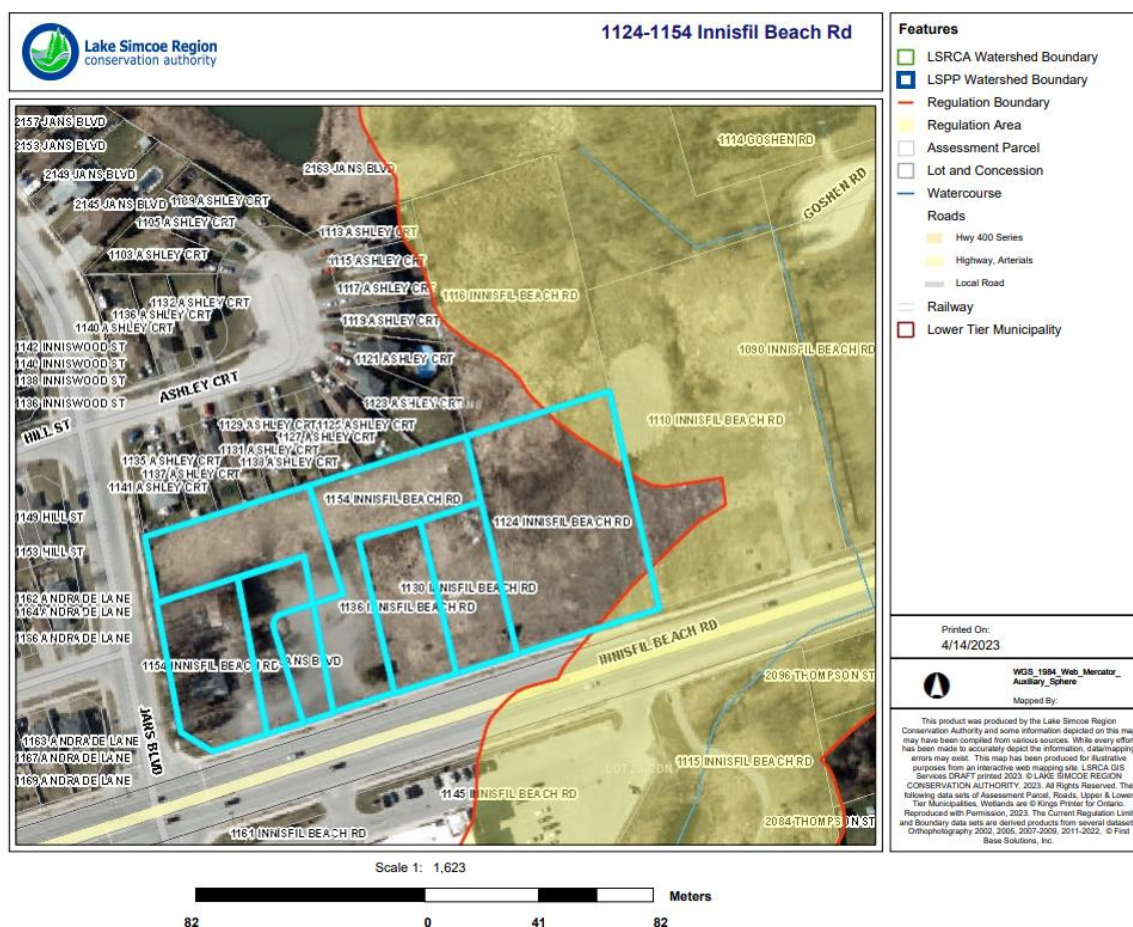
Based on our review of the submitted information, in support of this application, we have no objection to the proposed Consent. It is recommended that any approval of this application be subject to the following condition:

- That the Applicant/Owner provide the required fee payment for Consent (Minor – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule.

## Site Characteristics

Existing mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 for floodplain.
- Through the EIS submitted with the Site Plan application, a wetland was identified on the Future Phase Development lands, known municipally as 1116 Innisfil Beach Rd.



**Delegated Responsibility and Statutory Comments:**

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). There are identified natural hazards on the subject lands (floodplain) The Consent is consistent with 3.1 of the PPS as no new development lots are being created within the flood hazard.
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. There are regulated elements on this site. A permit from the LSRCA will be required prior to any development or site alteration proposed within the regulated portion of the property.

**Summary**

Based on our review of the submitted information, in support of this application, we have no objection to the proposed Consent. 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 – Planner Review Only) of \$536.00, as per the LSRCA Fee Schedule.

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

1. Consistency with Section 3.1 of the PPS has been demonstrated; and
2. Ontario Regulation 179/06 does apply to the subject site. A permit from LSRCA will be required prior to any development or site alteration taking place within the regulated portion of the property.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (e.dias@lsrca.on.ca)

Sincerely,



Emma Dias  
Junior Planning and Natural Heritage Analyst



## MEMORANDUM TO FILE

**DATE:** April 12, 2023  
**FROM/CONTACT:** Tony Mendicino, [tonym@innpower.ca](mailto:tonym@innpower.ca)  
**FILE/APPLICATION:** B-005-2023  
**SUBJECT:** 1124 – 1154 Innisfil Beach Road

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**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 does not have any objection to the site plan application to build a sound barrier, however we strongly recommend the developer start service discussions with Engineering because there is a capacity issue for 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)

