



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING
APPLICATION NO. A-042-2023**

TAKE NOTICE that an application has been received by the Town of Innisfil from **Michael Harte, Applicant**, on behalf of **Friday Harbour Resort Holdings Inc., Owner**, for a minor variance from By-law 029-05, pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **Plan 51M-997 - Block 1** is known municipally as **3740 Sunreef Avenue** and is zoned as “**High Density Resort Residential 2-1 (HRR2-1)**” and “**Resort Recreational Hotel Commercial (RRHC)**”.

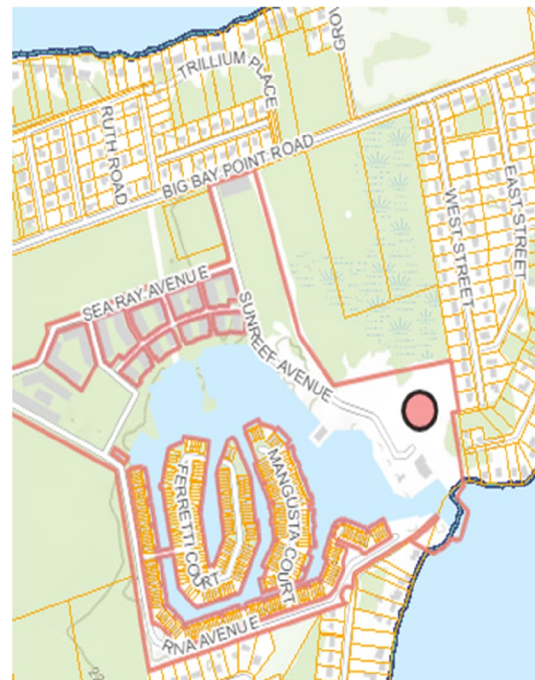
The applicant is proposing to construct a resort residential building encroaching onto RRHC zoned lands. The applicant is seeking relief from section 5.2.1 of the site-specific Zoning by-law (029-05) which does not permit Resort Residential use on RRHC zoned lands.

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on **Thursday, August 17, 2023, at 6:30 PM.**

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code:
<https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx>

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to planning@innisfil.ca.

If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Local Planning Appeal Tribunal.



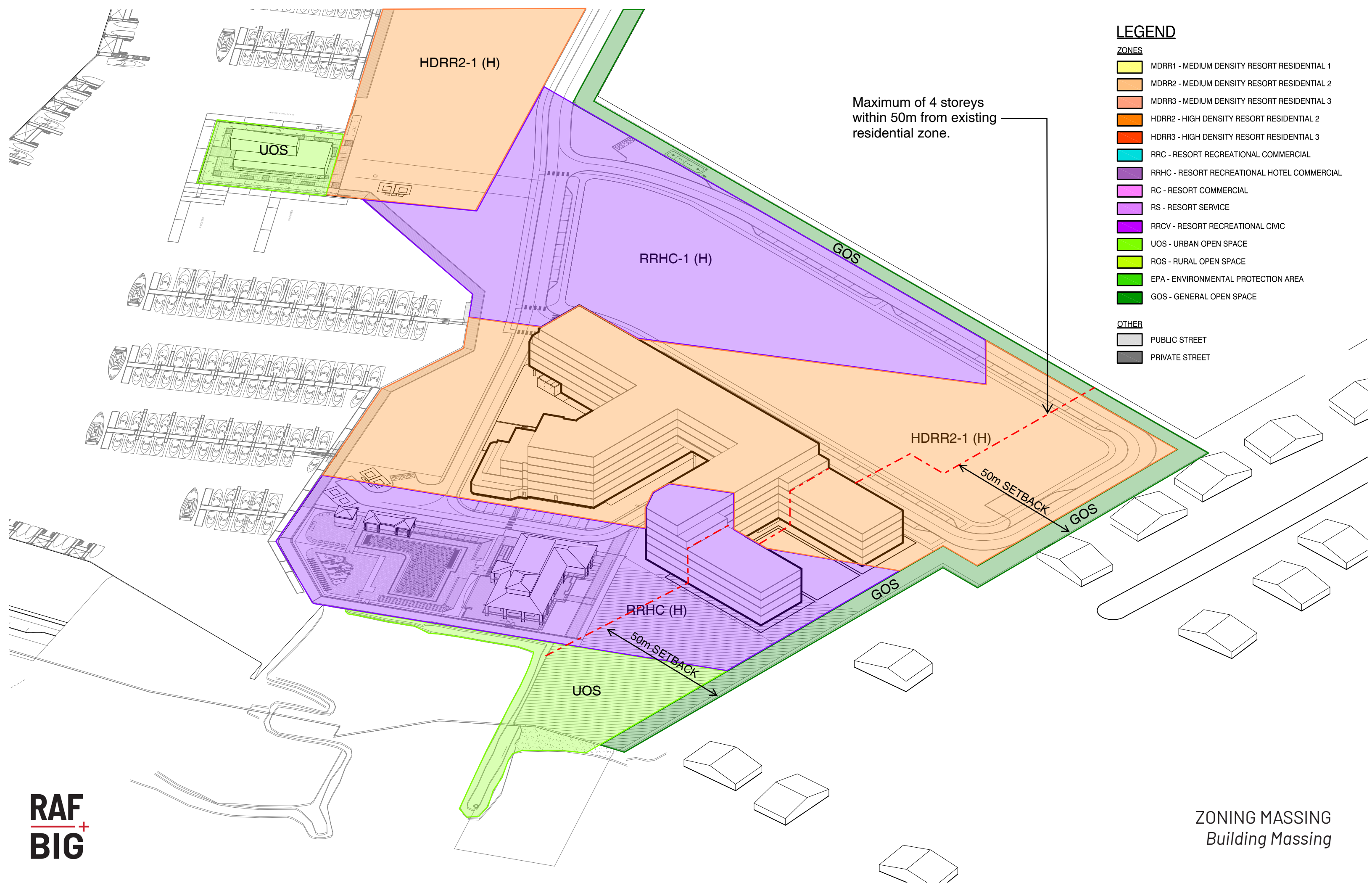
Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.

Dated: **August 1, 2023**

Toomaj Haghshenas,
Secretary-Treasurer
thaghsheenas@innisfil.ca
705-436-3710 ext. 3316

ZONING PLAN

Building Area



July 13, 2023

MGP File: 23-3299

Committee of Adjustment
Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1

via email: thaghsheenas@innisfil.ca

Attention: Mr. Toomaj Haghsheenas
Secretary-Treasurer

Dear Mr. Haghsheenas:

RE: Friday Harbour Resort
Planning Opinion Regarding an Application for Minor Variance

Malone Given Parsons Ltd. is the planning consultant to Friday Harbour Resort Holdings Inc. (FHR), the developer of Friday Harbour Resort.

The Resort, approved in 2007, is recognized as being a Regional tourism draw and a key element in Innisfil's tourism infrastructure in the Town's Tourism Destination Management Master Plan 2017. Over \$750 million has been invested to date in the development of the Resort, including the construction of an 18 hole championship golf course and clubhouse, an up to 1000 slip Marina, an 80 hectare nature preserve with trails, together with 1,500 resort residential units built or under construction and extensive commercial and recreational amenities available to resort unit owners, their guests and other visitors.

Concurrent with the subject minor variance application, FHR is applying for site plan approval for its next resort residential building, the first in the Resort Marina District's "Beach Precinct". The building will comprise approximately 290 units with heights ranging from four to six storeys in a "Flexbuilding" form as defined in the Resort Zoning By-law, in accordance with the vision set out in the Resort Secondary Plan¹.

The entirety of the proposed building is a permitted use under the Resort Secondary Plan. Most of the building footprint is situated within the Medium-High Density Resort Residential designation which enables the high density resort residential use. A small portion (18% of the footprint) extends into the Resort Commercial (RC) designation, which permits development of both high density resort residential uses and hotel uses. The majority of the building is also in a Zoning By-law Zone that permits the use as of right (High Density Resort Residential2-1 (HDDR2-1)). Thus, the majority of the proposed building is a permitted as of right under the Zoning By-law.

¹ The Big Bay Point Resort Secondary Plan, OPA 17 to the Innisfil Official Plan

The portion of the footprint that extends into the Resort Commercial designation (the subject site) is zoned Resort Recreational Hotel Commercial (RRHC), with provisions set out in Section 5.2 of the Zoning By-law. While the Resort Commercial designation expressly permits the proposed building, the RRHC Zone does not although a six storey hotel use is permitted.

Section 5.2.1 of Zoning By-law 029-05 permits hotel, conference and resort recreational facilities but not Flexbuildings. Under the by-law's Section 5.2.4c), the hotel use is permitted to be built to a maximum height of six storeys. FHR's application for a minor variance seeks relief from these By-law Sections to permit the Flexbuilding use at heights up to the same six storey maximum permitted for a hotel and other Flexbuildings in the Resort. The requested relief is in conformity with the Resort Secondary Plan and would parallel current permissions for the RRHC-1 Zone.

With reference to Figure 1 below, the subject site is situated within a part of the resort characterized by permissions for a combination of high density resort residential Flexbuildings and resort hotel and related uses. At the north end of this area, at the east end of the boardwalk, is a site exclusively zoned for hotel uses, which location was approved by the Town as a focal point for the resort and the optimum location in which to situate a hotel. The whole of this area has as of right opportunity to build to a six story maximum, subject to a four storey maximum within a 50m buffer adjacent to pre-existing residential uses to the immediate east. The proposed building complies with this four-storey requirement.

This reality, coupled with the existing Secondary Plan permission for the resort residential use in the subject site, underpins my opinion that the requested relief meets the four tests for approval of a minor variance. The relief sought is minor in scale and effect, is appropriate given the site designation, is desirable for its responsiveness to the Resort Secondary Plan's Goals, Objectives and Principles, and meets the general intent of both the Secondary Plan and its implementing Zoning By-law.

The following paragraphs present my assessment of the variance against the four tests and the rationale for my planning opinion in support of FHR's application for a minor variance to Bylaw 029-05, as amended.

Planning Opinion: Satisfaction of the Four Requirements for Approval of a Minor Variance

FHR's application for a minor variance seeks relief from two provisions of By-law 029-05's Section 5.2, to permit the Flexbuilding use and to permit a six storey maximum height for that use. The opportunity to seek a variance from the provisions of a zoning bylaw is imbedded in Section 45(1) of the Planning Act, which provides as follows:

*The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, **in respect of the land, building or structure or the use thereof**, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. [emphasis added]*

The section requires that an application fulfills four requirements:

- Be desirable for the appropriate **use or development** of the land, building or structure; [emphasis added]
- Be a minor variance from the provisions of the bylaw in **respect of the land, building or structure or the use thereof**; [emphasis added]
- Maintains the general intent and purpose of the Official Plan; and
- Maintains the general intent and purpose of the Zoning Bylaw.

The following subsections describe how, in my opinion, the approval requirements are fulfilled.

Figure 1: The Subject Site in the Context of Current Use and Height Permissions in the East Part of the Marina District



Source: Malone Given Parsons Ltd., Schedule "B" to Zoning By-law 029-05

The Variance is Desirable for the Appropriate Development or Use of the Land

The requested variance is considered appropriate and desirable for the following reasons:

- The variance would allow a use that is a core part of the vision for the development of the Resort;
- It is appropriate in that the subject site lies within the Resort Secondary Plan's Resort Commercial designation, which specifically permits the proposed use. Per Policy 6.2.3: "**High Density Resort Residential uses shall be permitted** within the Resort Commercial designation" [emphasis added];
- The variance would expedite a desired outcome in the public interest, in the form of further resort residential development and its attendant economic benefits to resort unit owners, commercial operators, the Town, County and Province;
- The variance would support efficient site use of the Beach Precinct lands by enabling an optimal roads and development structure;
- It would support a building massing approach that aids in noise separation and attenuation between the Beach Club and beachfront activities and private homes/cottages to the north and east;
- It adds to compelling resort character by enabling the development of resort residential units with prime views and access to the Lakeside waterfront, while framing a defined edge for the outdoor recreational beachfront setting;
- It is without consequence to the development of other desired uses in the resort; and,
- It maintains the primacy of the consensus on the optimal location for a resort hotel.

In my opinion, the relief sought fulfills the "desirable for the appropriate development or use of the land" test for approval of the subject minor variance application.

The Variance is Minor in Respect of the Land or the Use Thereof

The relief requested is minor in scale and in respect of the land use structure defined and the uses permitted by the Zoning Bylaw:

- It is small in scale:
 - The variance would permit an additional use in roughly 22% of the RRHC Zone, would not affect the Beach Club (which with its fronting road occupies ~60% of the Zone) and would define the northern limit of the Zone's waterfront/beach-oriented recreational uses extending to Lake Simcoe;
 - The extension of the proposed Flexbuilding footprint from the adjacent HRR2-1 Zone represents less than 20% of the total building footprint. Roughly 35% of the building site extension into the RRHC Zone is outdoor amenity space rather than built form;
- The variance would not affect zoned opportunities for the resort hotel use in RHHC and HRR2-2 Zones to the north, or within the remainder of the subject RRHC Zone;
- No other provisions (e.g., height, 50 m buffer to adjacent residential, step backs above four storeys) already applicable to the hotel site are being modified. All these same standards would continue to apply to the requested resort residential use;
- There would be no change to Zone elements regulating building characteristics, including height, that might affect neighboring landowners such that its impacts would not be distinguishable from those of the currently permitted hotel use;

- A six-storey hotel use is permitted as of right. The requested variance is for a six-storey residential use instead.

The relief sought is minor in both scale and potential impacts to land uses within and external to the resort. In my opinion it is minor in respect of the resort lands and the use of these lands, and meets the “minor” test for approval of a minor variance.

The Variance Maintains the General Intent and Purpose of the Official Plan

The requested variance maintains and advances the general intent of the Secondary [Official] Plan to create a complete, integrated, vibrant four seasons resort environment and lifestyle, incorporating a mix of resort residential, recreational, cultural and commercial amenities for resort unit owners, renters and visitors. Its approval would also be in keeping with the Secondary Plan’s express flexibility in its distribution of land uses and designation boundaries in its definition of the resort’s land use structure.

The Resort Secondary Plan designates the site Resort Commercial, which expressly permits the proposed high density resort residential use on the site. The designation, of itself, recognizes the importance of flexibility for uses to be developed along the northern and eastern faces of the marina. It establishes the potential for development of many different types of uses to be developed within the designation, including resort residential, hotels, commercial and recreational. It does not limit the development of lands within the designation to only one use.

It is my opinion that the variance not only meets the “maintains the general intent and purpose of the Official Plan” test for approval, but in fact fully conforms with the Secondary Plan.

The Variance Maintains the General Intent and Purpose of the Zoning Bylaw

The general intent and purpose of the Zoning Bylaw is to implement the Secondary Plan and establish the four-seasons resort nature of development at Friday Harbour, with an integrated mix of resort residential, commercial and recreational uses, and with flexibility of uses already permitted in other Resort zones. For example, the relief sought is already built into the subject site’s counterpart RRHC-1 Zone.

It is also unnecessary to limit the proposed site to hotel uses in order to meet the intent and purpose of the by-law. Prior analyses have considered the question of an optimal location for a resort hotel and conference centre. They have determined that the subject site is not the best location for a resort hotel. These analyses, conducted by experts in resort and hotel development, have informed a consensus that the “anchor” location at the east end of the Boardwalk is the optimal site for a hotel (see Figure 2). The developer’s commitment to building a resort hotel at that site is now secured by a \$500,000 surety bond to the Town. The Town, in approving that location as the focal point for a hotel, recognized that the intent and purpose of the zoning by-law was met by doing so. Remembering that much of the RRHC lands are already supporting the existing Beach Club, that approval effectively frees the lands remaining within the subject Zone to be developed with other uses while still maintaining the intent and purpose of the Zoning by-law.

Figure 2: Strategic Analysis of the Optimal Site for a Resort Hotel at Friday Harbour



Source: FORREC Ltd., prepared in support of Zoning By law 050-21

The proposed building incorporates the same massing principles, heights, setbacks and other performance standards already applicable in the zone and seek no variation from same. This ensures that compatibility with surrounding uses remains unchanged from a built form perspective. Insofar as the requested relief will not alter the Zoning By-law's development concept or the nature and function of what has already been or remains to be built at Friday Harbour, it will maintain the general intent and purpose of the Zoning Bylaw.

The variance in my opinion fulfills the "maintain the general intent and purpose of the Zoning Bylaw" test for approval.

Summary and Conclusions

The application by FHR for a minor variance seeks relief from provisions in Zoning Bylaw 029-05, as amended, in order to permit a small part of a proposed "Flexbuilding" to extend into the RRHC Zone at maximum heights already permitted in that location for a hotel use.

It is my opinion that the variance is desirable, appropriate, minor, will maintain the general intent and purpose of both the Secondary Plan and its implementing Zoning Bylaw, and represents good planning in the public interest.

With FHR, we look forward to attending before the Committee of Adjustment on August 17th and will contact you to discuss meeting logistics.

Yours very truly,
Malone Given Parsons Ltd.

A handwritten signature in black ink, appearing to read 'John P. Genest', with a stylized flourish at the end.

John P. Genest MCIP, RPP, PLE

cc. Ms. Cheryl Shindruk, Friday Harbour Resort Holdings Inc.