

Summary of Comments

B-018, A-046, A-047, A-048 and
A-049-2023 - 3967 Algonquin Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-018-2023

RELATED APPLICATION(S): A-046-23, A-047-2023, A-048-2023, A-049-2023

MEETING DATE: September 21, 2023

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Brandon Correia, Manager of Planning

SUBJECT: Consent to sever 3967 Algonquin Avenue to create one new residential lot subject to related Minor Variances

PROPERTY INFORMATION:

Municipal Address	3967 Algonquin Avenue
Legal Description	Plan 593 Lots 150 & 151
Official Plan	Shoreline Residential Area (Schedule B11)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends the deferral of application B-018-2023 and related applications A-046-23, A-047-2023, A-048-2023, A-049-2023 until resolution of matters respecting siting of the proposed dwellings and septic on each lot are clarified by the applicant.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 3967 Algonquin Avenue to create one new residential lot. The retained lands proposes a lot area of approximately 694.5 m² with a lot frontage of approximately 19.56m. The severed lot proposes a lot area of approximately 699.8 m² with a lot frontage of 15.24m.

SURROUNDING LANDS:

North	Vacant lands zoned R1, single-detached dwellings
East	Single detached dwellings
South	Single-detached dwellings
West	Algonquin Avenue

ANALYSIS:

Site Inspection Date	September 14, 2023
-----------------------------	--------------------

Consistent with the Provincial Policy Statement (PPS): <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located outside of any settlement areas and are considered 'rural lands' as per the Provincial Policy Statement (PPS) (defined as lands outside of prime agricultural areas and settlement areas). The location of the proposed severance is within lands designated Shoreline Residential Area in the Official Plan. Limited development is permitted per the PPS outside of settlement areas.</p>
Consistent with the Provincial Growth Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located outside of a settlement area. As per policy 2.2.9(6), new multiple lots or units for residential development may be allowed on rural lands in site-specific locations with approved zoning or designation in an Official Plan that permitted this type of development as of June 16, 2006.</p> <p>Staff are of the opinion that the re-creation of a merged lot proposed onsite does not qualify as 'development' under the Growth Plan definition.</p>
Consistent with the Lake Simcoe Protection Plan (LSPP): <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are subject to the LSPP policies. The subject lands are not within the regulatory area of the LSRCA.</p> <p>Staff are of the opinion the re-establishment of two lots that were previously merged does not qualify as 'development' or 'site alteration' under the LSPP definition.</p>
Conforms to the County of Simcoe Official Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated "Rural" by the County of Simcoe Official Plan.</p> <p>Under the Rural designation, limited residential development is permitted, as provided for in policy 3.7.4. Further, limited residential may be created through consent, provided the following is satisfied, as per policy 3.7.8. However, Staff require further information respecting the proposed building envelopes, siting of the required septic systems, and further planning rationale / justification for the proposed reduction in Lot Area and Lot frontage. Staff request deferral until these matters are resolved.</p>
Conforms to the Town of Innisfil Official Plan: <input type="checkbox"/> Yes <input 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.</p> <p>Staff have concerns about whether the proposed lot and retained lands will have sufficient space for two dwellings and the required septic systems. The current septic system straddles the proposed lot line. As well, the Planning Department is requesting further information respecting the proposed building envelope(s), and request deferral until these matters are resolved.</p>

Complies with the Town Zoning By-law: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject property is located within the Residential 1 Zone as part of the Town of Innisfil Zoning By-law. The R1 zone requires a minimum Lot Area 1400m² and a Lot Frontage minimum of 22m, for properties without sewer and water. As a result, variances are required for the severed lot area (699.8 m² whereas 1400m² is required), and for minimum lot frontage (19.56 m whereas 22 m are required).</p> <p>As well, the retained lands require variances for Lot Area (694.5 m² whereas 1400m² is required), and for minimum Lot Frontage (15.24 m whereas 22 m are required). Staff have concerns that the proposed lot area and lot frontage for the severed lot and retained lands are significantly deficient based on the requirements of the zoning by-law and are seeking additional rationale and planning justification from the applicant.</p> <p>Staff are also requesting further clarity respecting the proposed building envelope and siting of the proposed septic systems, and request deferral until these matters are resolved.</p>
Conforms to Section 2,51(24) and 53(12) of the Planning Act: <input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Staff have reviewed the matters under Sections 2,51(24) and 53(12) of the Planning Act and request deferral until concerns about driveway location including existing and proposed building envelope and required septic systems proposed are further resolved.</p>

CONCLUSION:

The Planning Department recommends deferral of application **B-018-2923** and related applications **A-047-2023, A-048-2023, A-049-2023**.

PREPARED BY:

Brandon Correia, MCIP, RPP
Manager of Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 15, 2023

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

FILE/APPLICATION: B-018-2023

SUBJECT: 3967 Algonquin Avenue

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. Apply for and obtain a building permit to move the on-site sewage system on to the property retained (with the dwelling unit), to the satisfaction of the of Community Development Standards Branch (Building Department).
2. Move the accessory structure shed less than 15m² to the retained property (with the principal dwelling unit). If the accessory structure exceeds 15m² apply for a building permit to move the structure, to the satisfaction of the of Community Development Standards Branch (Building Department).
3. The proposed property line appears to impact the spatial separation requirements regarding the existing unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).



Engineering

MEMORANDUM TO FILE

DATE: September 18, 2023

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: B-018-2023

SUBJECT: 3967 Algonquin Avenue

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 scoped hydrogeological assessment and submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.

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 conditions.