



COMMITTEE OF ADJUSTMENT NOTICE OF DECISION
APPLICATION NO. A-051-2023

TAKE NOTICE that a decision has been made by the Committee of Adjustment, for a minor variance application from **Keith MacKinnon, Applicant**, on behalf of **MEL (Innisfil) Inc., Owner**, for relief from the provisions of Zoning By-law 080-13, pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

The subject property is described legally as **INNISFIL CON 8 S PT LOT 22 RP 51R37403 PT PARTS 1 AND 3** is known municipally as **1341 Benson Street**, and is zoned as **"Residential 2 Holding Symbol (R2 (H))", "Residential 3 (R3)", "Residential 3 Holding Symbol (R3 (H))", "Residential Townhouse (RT)" and Residential Townhouse Holding Symbol (RT (H))"**.

The applicant is proposing to construct multiple Townhomes with a height of 12 m. The applicant is seeking relief from Section 4.2 (b) of the Zoning By-law which permits a maximum height of 11 m for RT zoned lands.

The Committee of Adjustment has considered all written and oral submissions received before and/or during the hearing as part of their decision.

- ☒ The Committee **APPROVED** the application and is satisfied that it is in keeping with Section 45 of the Planning Act, is desirable for the appropriate use of the subject property, is minor in nature, and that the intent and purpose of the Official Plan and Zoning By-law have been maintained.
- ☒ See attached Condition(s) of Approval
- ☐ No Conditions
- ☐ The Committee **REFUSED** the application and is of the opinion the application is not in keeping with Section 45 of the Planning Act and that the intent and purpose of the Official Plan and Zoning By-law have not been maintained. The Committee is further not satisfied that the application is desirable for the appropriate use of the subject property, or that it is minor in nature.
- ☐ The Committee **DEFERRED** the application.

DECISION DATED AT THE TOWN OF INNISFIL this **19th** day of **October 2023**.

CIRCULATION DATE OF NOTICE OF DECISION: October 20, 2023

LAST DAY OF APPEAL: November 8, 2023

Rod Hicks, Chair

Sarah Oetinger, Member

John Raimondi, Member

William Van Berkel, Member

Marnie Adam, Member

If applicable, the owner/applicant is responsible for any legal, engineering, InnServices & Town fees and must submit to Legal Services a deposit prior to the preparation of any documents (road widening, easement, agreements). The owner/applicant will be invoiced for any additional fees over and above the deposit and will be reimbursed for those funds not utilized. All in accordance with the Fees & Charges bylaw as amended.



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I, Toomaj Haghshenas, Secretary-Treasurer of the Committee of Adjustment do hereby certify that the above is a true copy of the Decision of the Committee of Adjustment for Application No. A-051-2023 rendered on October 19, 2023.

A handwritten signature in blue ink, appearing to read "Toomaj Haghshenas".

Toomaj Haghshenas
Secretary-Treasurer
Committee of Adjustment
thaghsheenas@innisfil.ca
705-436-3740 ext. 3316

NOTICE OF LAST DATE OF APPEAL

In accordance with Section 45 (12) of the Planning Act, you may appeal to the Ontario Lands Tribunal (OLT) against the decision by filing with the Secretary Treasurer of the Committee of Adjustment a notice of appeal setting out written reasons in support of the appeal and accompanied by a certified cheque or money order made payable to the Minister of Finance, in the amount of \$400 being the current fee prescribed by the Tribunal under the Local Planning Appeal Tribunal Act. The Tribunal prescribed Appellant Form (A1) must be filed with any appeal to the Local Planning Appeal Tribunal. This form is available online at <https://olt.gov.on.ca/forms-submissions/>.

Additional information relating to the 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.



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CONDITIONS OF APPROVAL

The below Condition(s) of Approval shall be completed within **ONE YEAR** from the Circulation Date of Notice of Decision outlined on Page 1. If the Condition(s) of Approval are not completed by this date, the application shall be deemed to have been refused.

Planning Services

1. That the variances apply exclusively to the lands legally described as Innisfil Concession 8, South Part Lot 22, Reference Plan 51R-37403 Part Parts 1 and 3, and known municipally as 1341 Benson Street and do not include any other lands in the related draft approved plan of subdivision (D12-2007-003). Any other future development of the lands will be subject to Planning Act regulations.
2. That the applicant submits updated Architectural Control Guidelines for the related Draft Approved Plan of Subdivision (File No. D12-2007-003) to reflect the updated elevations and heights of the single detached dwellings and townhouses to the satisfaction of Town Planning Staff

Lake Simcoe Region Conservation Authority

3. That the Applicant/Owner provide the required fee payment for Minor Variance (Minor – planner review only) of \$536, as per the LSRCA Fee Schedule.
4. That the Applicant/Owner successfully obtain a permit from the LSRCA.