

Summary of Comments
A-051 and A-052-2023 - 1341
Benson St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-051-2023 & A-052-2023

MEETING DATE: October 19, 2023

TO: Toomaj Haghsheenas, Secretary Treasurer Committee of Adjustment

FROM: Keirsten Morris, Senior Planner

SUBJECT: Minor variance applications seeking relief from Section 4.2 b) of the Zoning By-law to increase the permitted height of the proposed townhomes from 11m to 12m (A-051-2023) and the proposed height of the single detached dwellings from 9m to 10m (A-052-2023) within the Melrose Investments Inc. draft approved plan of subdivision (File No. D12-2007-003).

PROPERTY INFORMATION:

Municipal Address	1341 Benson Street
Legal Description	INNISFIL CON 8, S PT LOT 22, RP 51R37403 PT PARTS 1 AND 3
Official Plan	Residential Low Density Two (Schedule B1)
Zoning By-law	Residential 3 with Hold (R3 (H)) Zone Residential 2 with Hold (R2 (H)) Zone Residential Townhouse with Hold (RT (H)) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-051-2023 and A-052-2023 subject to the following condition(s).

CONDITION:

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

REASON FOR APPLICATIONS:

A-051-2023: The application seeks relief from Section 4.2 b) of the Zoning By-law to facilitate construction of forty-six (46) draft approved townhouse units with an increased height of 12m.

A-052-2023: The application seeks relief from Section 4.2 b) of the Zoning By-law to facilitate construction of forty-six (46) draft approved single detached dwellings with an increased height of 10m.

Application Number	By-law Section	Requirement	Proposed	Difference
A-051-2023	4.2 b)	11m	12m	1m
A-052-2023	4.2 b)	9m	10m	1m

SURROUNDING LANDS:

North	Benson Street, vacant draft approved plan of subdivision (lands designated residential medium density), woodlands and wetlands (designated key natural heritage features and key hydrological features)
East	Public park and residential townhouses
South	Commercial plaza, vacant lands with proposed mixed-use apartments, single-detached dwelling and Alcona Glen Elementary School
West	Webster Boulevard and residential subdivision (single detached dwellings and townhomes)

ANALYSIS:

Site Inspection Date	October 11, 2023
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density Two on Schedule B1 in the Town's Official Plan (OP). Townhouses and single detached dwellings are permitted in the Residential Low Density Two designation per Section 10.2.2 and 10.2.3 of the OP. The Residential Low Density Two designation generally applies to newer greenfield areas developed at a higher density to create compact low-rise neighbourhoods and to reflect opportunities for infill development.</p> <p>The subject lands are located within the Primary Settlement Area of Alcona in an area surrounded by various uses including a school, commercial plaza, future mixed-use apartments, environmental protection area, existing residential dwellings consisting of townhomes and single detached dwellings, as well as vacant draft approved residential lands.</p> <p>The lands are currently vacant but are part of a draft approved plan of subdivision (File No. D12-2007-003) consisting of fifty (50) single detached dwelling units, and seven (7) townhouse blocks containing</p>

	<p>forty-six (46) units (a total of 96 units). Staff note that four (4) single detached dwelling lots on the north side of Benson Street with frontage on Webster Boulevard were not included in the subject application therefore the proposed variances apply to only 46 of the 50 draft approved single detached dwelling units located at 1341 Benson Street (lots 5 – 50 on the draft approved plan of subdivision)., however the variances would apply to all of the townhouses. The total number of units for which the variances apply are 46 townhouses and 46 single-detached, for a total of 92 units.</p> <p>Section 10.2.7 indicates that the maximum height of buildings shall not exceed two (2) storeys not including a basement or a walkout basement or a storey incorporated into the roofline of a dwelling. The proposed 10m height for single detached dwellings is designed to comply with the maximum 2-storey policy of 10.2.7 as shown on the Sample Elevation drawings submitted with the application.</p> <p>The Sample Elevation drawings show the townhouse units having three levels however staff would consider the first level of the townhomes to be a front facing walkout basement. The applicant has also confirmed that the first level of the townhouse units are walkout basements. As such, staff consider the townhouses to have two storeys plus a walkout basement in the context of this OP policy. Staff are therefore of the opinion that the proposed elevations and design of the townhouses are permitted by the policy and meet the intent of creating a compact and consistent low-rise neighbourhood while accommodating the unique grading challenges of the site.</p> <p>Staff note that Architectural Control Guidelines were required as a condition of Draft Plan Approval for the associated Draft Approved Plan of Subdivision in accordance with Section 22.18 of the Official Plan. As the proposed variances contemplate increasing the height and elevations of the single detached dwellings and townhouses within the plan of subdivision, Staff recommend that as a condition of approval of the variances, the applicant submit updated Architectural Control Guidelines that reflect the updated heights and elevations of the buildings to the satisfaction of Town Planning Staff.</p> <p>Staff are of the opinion that the applications maintain the general purpose and intent of the Official Plan, subject to the recommended conditions.</p>
<p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Residential Two (R2), Residential Three (R3) and Residential Townhouse (RT). The R2, R3 and RT zones in the draft plan of subdivision include a holding provision (H) not allowing development until a subdivision agreement is entered into as well as a certificate of substantial completion of underground works has been issued. As the developer moves towards registration and these conditions are cleared, the holding provision will be lifted allowing buildings permits.</p>

	<p>Single detached dwellings are permitted in the R2 and R3 zones and townhouses are permitted in the RT zone.</p> <p>The intent of the maximum height of 9m for single detached dwellings and 11m for townhouse dwellings is to limit massing and overshadowing of buildings and to ensure land use compatibility. The variances for an increase in height from 9m to 10m for single detached dwellings and 11m to 12m for townhouse dwellings has been requested to address grading challenges on the site. The subject lands slope down towards Benson Street from the southwest area of the lands. The applicant has indicated in their Planning Justification Report submitted with the application that while finalizing the subdivision grading in accordance with municipal standards, it was identified that a height increase was needed to address the grading challenges resulting in a higher established grade on site which contributed to the 1m height variance requested.</p> <p>Since the variances apply to all 46 single detached dwellings within the draft approved plan of subdivision on the lands and all 46 townhouse units in the subdivision, there would be limited massing and overshadowing to neighbouring lots. The character of the neighbourhood would be maintained with similar heights throughout the subdivision. Surrounding lands are currently developed with townhouse and single detached dwellings therefore, staff do not have concerns with character or compatibility with the proposed increase in height and are of the opinion that the buildings will fit in with surrounding land uses, subject to the proposed condition of updated architectural control guidelines. Staff note there have been situations in the past where grading challenges affected townhouse and single-detached heights, such as Innis Village, Sleeping Lion and 1205 Corm Street, and height relief was provided either through variance or zoning by-law amendment.</p> <p>Considering the above comments, staff are of the opinion that the variances are in keeping with the general purpose and intent of the Zoning By-law, subject to the recommended conditions.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The proposed height variance will facilitate development of housing in a draft approved plan of subdivision while addressing site-specific grading requirements. The increase in height is minor in nature based on the grading of the site and is generally compatible with surrounding buildings. The variances will assist in the continued development and build out of the draft approved plan of subdivision.</p> <p>As such, staff consider the variances to be desirable for the appropriate and orderly development of the land, subject to the recommended conditions.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The proposed height variances are not expected to cause any substantial impact to surrounding properties in terms of scale. The increased height allowance will apply consistently within the entire subdivision, allowing a consistent architectural design, while at the same time addressing site-specific grading requirements. The subject lands are located in an existing developed area of residential and</p>

	commercial uses. The increase in height will facilitate development of single detached dwellings and townhouse units in an area where residential development is intended while maintaining compatibility with surrounding uses. Staff are of the opinion that the variances are minor in nature, subject to the recommended conditions.
--	--

PREPARED BY: Keirsten Morris, Senior Planner

REVIEWED BY: Steven Montgomery, Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: October 12, 2023

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

FILE/APPLICATION: A-051 & 052-2023

SUBJECT: 1341 Benson St.

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. No comments.



Sent via e-mail: thaghshenas@innisfil.ca

October 12, 2023

Municipal File No.: A-051-2023 and A-052-2023
LSRCA File No.: VA-452749-101023

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

Dear Toomaj Haghshenas,

Re: **Application for Minor Variance**
1341 Benson St
Town of Innisfil
Owner: MEL (Innisfil) Inc.
Applicant: Keith MacKinnon

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 applicant is proposing to construct a residential subdivision containing a total of fifty (50) single-detached lots, seven (7) townhouse blocks containing forty-six (46) units, and a medium density block containing twenty-five (25) units. The applicant is seeking relief from the following section of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 4.2 of the By-law which restricts the maximum height of a single detached dwelling to 9 metres, whereas the proposal is requesting a maximum height of 10 metres;
- Relief from Section 4.2 of the By-law which restricts the maximum height of a townhouse dwelling to 11 metres, whereas the proposal is requesting a maximum height of 12 metres.

Documents Received and Reviewed by Staff

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

- Application Package (dated September 5, 2023)
- Lot Grading Plan

Staff have 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 (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation*

Authorities Act. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

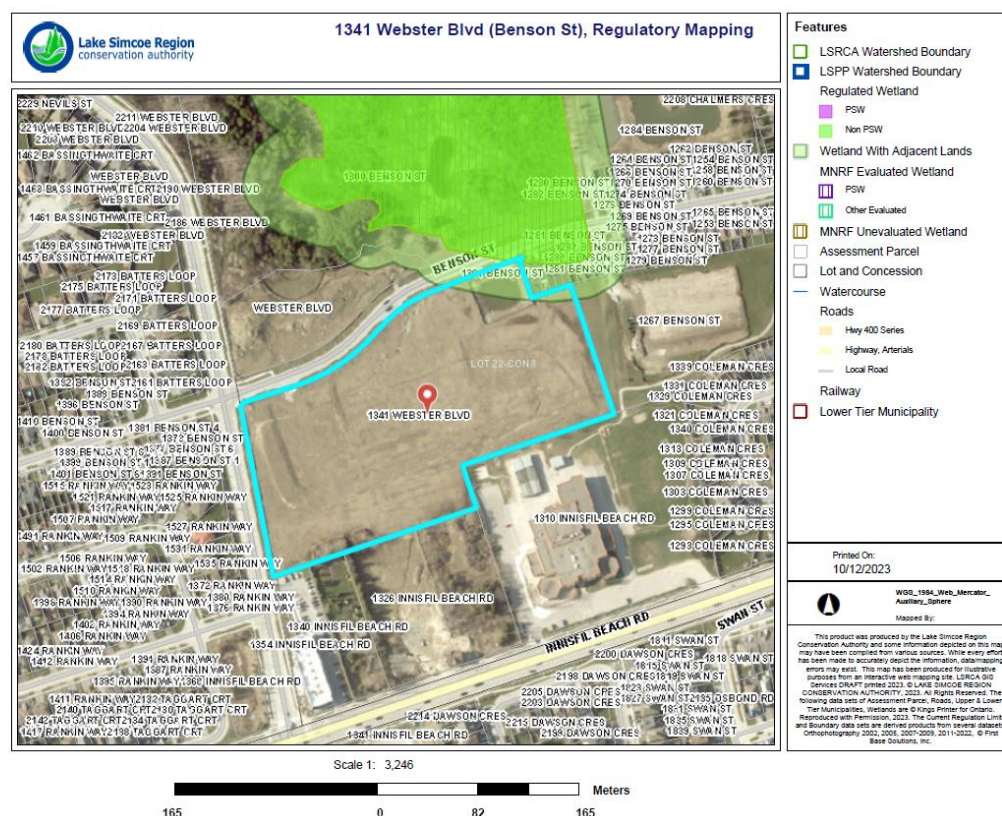
Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for minor variance. It is recommended that any approval of this application be subject to the following conditions:

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

Site Characteristics

Existing mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 for lands adjacent to an unevaluated wetland. Please see a detailed regulatory map below.
- The subject property is within an Ecologically Significant Groundwater Recharge Area (ESGRA).



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 (lands adjacent to an unevaluated wetland). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.
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.

Ontario Regulation 179/06 applies to a portion of the subject property. It appears that the proposed development will be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Summary

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for minor variance.

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

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

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 (j.lim@lsrca.on.ca).

Sincerely,

A handwritten signature in blue ink that reads "J. Lim." with a period at the end.

Jessica Lim
Planning Analyst

Lake Simcoe Region Conservation Authority (LSRCA)



Engineering

MEMORANDUM TO FILE

DATE: October 13, 2023

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

FILE/APPLICATION: A-051 and A-052-2023

SUBJECT: 1341 Benson Street

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. Please check with the Planning 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. No conditions of approval.