# Summary of Comments B-020, A-072 and A-073-2023 -760 Florence Rd.



# COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER:	B-020-2023	
ASSOCIATED FILE:	A-071-2023 & A-072-2023	
MEETING DATE:	February 15, 2024	
TO:	Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment	
FROM:	Keirsten Morris, Senior Planner	
SUBJECT:	Consent to sever 760 Florence Road to create one new residential lot.	

#### **PROPERTY INFORMATION:**

Municipal Address	760 Florence Road
Legal Description	Plan 891 Lot 63
Official Plan	Residential Low Density 1 (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

#### **RECOMMENDATION:**

The Planning Department recommends approval of application B-020-2023, subject to the following conditions:

#### **CONDITIONS:**

- 1.) That the Owner/Applicant shall pay to the Town of Innisfil cash in lieu of 5% Parkland Dedication for residential developments, the amount of which shall be 5% of a valuation determined by a professional and qualified appraiser engaged by the Owner/Applicant to the satisfaction of the Secretary Treasurer.
- 2.) That existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. A Tree Preservation/Planting Plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, and location of new trees and tree protection measures during construction of the new dwelling and driveway.
- 3.) That \$500.00 be provided to the Town of Innisfil for a new boulevard tree.
- 4.) That the Owner/Applicant remove the existing shed from the severed parcel
- 5.) That the severed parcel shall be connected to municipal sewer and water services to the satisfaction of the Town.
- 6.) That Minor Variance Applications A-071-2023 and A-072-2023 are approved.

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- 7.) That the Owner/Applicant shall convey to the Town, in fee simple, free and clear of all encumbrances and for nominal consideration, a 2.5m road widening from Margs Lane and Florence Road. The road widening shall be included on the draft reference plan of survey noted in Condition 9. The draft R-Plan is to be reviewed and approved by the Town prior to registration.
- 8.) That the Owner/Applicant obtain additional minor variance approvals for the reduced front yard setbacks shown on the Severance Plan submitted with the application as a result of the required road widenings on Florence Road and Margs Lane.
- 9.) That the Owner/Applicant shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.

#### **REASON FOR APPLICATION:**

The applicant is proposing to sever the subject property at 760 Florence Road to create one new residential lot. The vacant severed lands would have an area of 492m2 with a lot frontage of 24.3m along Margs Lane. The retained lands with existing dwelling would have an area of 492m2 with a lot frontage of 24.3m on Florence Road. This application is to be heard in conjunction with minor variance applications A-071-2023 and A-072-2023 for deficient lot area of the severed and retained lots.

#### SURROUNDING LANDS:

North	Margs Lane; Low density residential	
East	Low density residential (754 Florence Road)	
South	Florence Road; Low density residential	
West	Low density residential (766 Florence Road and 2216 Margs Lane)	

#### ANALYSIS:

Site Inspection Date	February 6, 2024
Consistent with the Provincial Policy	The subject lands are within the Primary Settlement Area of Alcona as defined by the Provincial Policy Statement (PPS). Section 1.1.3.1
Statement (PPS): ⊠Yes	states that settlement areas shall be the focus and growth of development.
□No	development.
	The subject lands are within the Settlement Area of Gilford. Section 1.1.3.1 states settlement areas shall be the focus of growth and development.
	Section 1.1.3.2 states that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion, and also states that land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with Section 1.1.3.3. Since the subject property is located within the settlement area of Alcona and represents intensification on a public street that contains single

Consistent with the Provincial Growth Plan: ⊠Yes □No	<ul> <li>detached lots on existing municipal services, the proposal is consistent with these sections of the PPS.</li> <li>The application is considered to be consistent with the PPS, subject to the recommended conditions.</li> <li>The subject lands are within the Primary Settlement Area of Alcona. Section 2.2.1.2(a) states the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The subject lands are within the delineated built boundary of Alcona, are limited residential development, and have existing municipal water and sewer services.</li> </ul>
	Considering the above, Staff are of the opinion the proposal is consistent with the Growth Plan subject to the recommended conditions.
Consistent with the Lake Simcoe Protection Plan (LSPP): ⊠Yes □No	The subject lands are located within a settlement area, therefore settlement area policies 6.32 to 6.34 of the LSPP apply. Subject to any conditions recommended by the Lake Simcoe Region Conservation Authority, the proposed severance is consistent with the LSPP.
Conforms to the County of Simcoe Official Plan: ⊠Yes ⊡No	The subject lands are designated 'Settlement' on Schedule 5.1 of the Simcoe County Official Plan and identified as being in the Primary Settlement Area of Alcona. Section 3.5.8 indicates that settlement areas shall be the focus of population and employment growth and their regeneration shall be promoted. Intensification shall occur in built up areas per 3.5.24 and higher density development is permitted in built-up areas subject to the compatibility of the development with adjacent residential areas (3.5.30).
	Staff are of the opinion that the application conforms to the policies of the Simcoe County Official Plan as it results in infill residential development within the primary settlement area of Alcona where population growth is intended by settlement area policies. Further the proposal is considered compatible with adjacent residential areas in that it is consistent with a previous approved severance application to the immediate west, and maintains frontages that are consistent with existing frontages on the same street. It is also within the density range permitted in the local (Town) Official Plan.
Conforms to the Town of Innisfil Official Plan: ⊠Yes □No	The subject lands are designated Residential Low Density 1 on Schedule B1 to the Town Official Plan. The designation permits single detached dwellings and lot creation subject to applicable policies. No Section 10.2.4 of the Official Plan states that the maximum permitted density of the Residential Low Density 1 area shall be 13 units per net hectare and the minimum shall be 10 units per net hectare. ' <i>Net</i> <i>hectare</i> ' means the area of land of the lot and includes local roads

	as per the definition in Section 23.3.91. The proposal to sever the subject lands into two lots would be within this range, at a density of approximately 13 units per net hectare when factoring in lot areas and abutting roads. Section 10.2.11 states in cases of existing oversized lots, the lot may be subdivided such that any new lot(s) meet the minimum lot area requirements of the zoning by-law, any required variance is no greater than 20% of the applicable zoning provisions and the frontage is consistent with the average frontage on the same street within 250 metres. The proposed variances for lot area are less than 20% (the lot area variances are approximately 18%). Both severed and retained lots will maintain existing frontage on Florence Road and Margs Lane as the existing lot is a through lot. No change to the lot frontage is proposed and both severed and retained frontages comply with the minimum required lot frontage of the Zoning By-law. Adjacent lots along Margs Lane and Florence Road maintain average frontages of approximately 24m therefore Staff have no concerns with the proposed 24.3m frontages of the severed and retained lots in terms of frontage compatibility. In the opinion of Staff, this policy is considered to be met.
	Staff note that the subject applications indicated that front yard variances were being sought for the retained and severed lots as a result of the required road widening along the Margs Lane and Florence Road frontages. However as the front yard variances have not yet been processed or included on the notice circulation for the application, Staff have included a recommended condition that the front yard variances are approved before the consent is finalized through deed stamping (if approved by the Committee).
	Sections 15.1.6. and 15.1.7 state a Tree Protection Plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot, including any trees removed five years prior to the development application. A Tree Inventory and Arborist Report were submitted in support of the application and no trees were identified for removal, however no development area was shown. Staff require that trees required to be removed where a future driveway and building envelope is proposed on the northermost lot be compensated for. This is proposed as a condition of approval.
	Staff have reviewed the criteria outlined in Section 22.8.1 to consider when evaluating consent applications and have no concerns with the application conforming to these criteria.
-	Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan, subject to the recommended conditions.
Complies with the Town Zoning By-law: ⊠Yes	The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 15m lot frontage and minimum 600m2 lot area. Both

□No	severed and retained lots comply with the minimum required lot frontage for the R1 zone. However, with the required road widenings, the proposed lot area for both severed and retained lots is 492m2. Two minor variance applications have been submitted to seek relief from the minimum lot area requirement of 600m2. As noted, the subject applications indicated that front yard variances were being sought for the retained and severed lots as a result of the required road widening along the Margs Lane and Florence Road frontages. However as the front yard variances have not yet been processed or included on the notice circulation for the applications, Staff have included a recommended condition that the front yard variances are approved before the consent is finalized through deed stamping (if approved by the Committee).
	A fulsome zoning review would be completed at the building permit stage for any future dwelling on the severed lot however, Staff note that a conceptual plan has been provided showing that a single detached dwelling with a ground floor area of approximately 172m2 (1851.5 ft2) could be accommodated on the vacant severed lot within the R1 zone standards, subject to a future minor variance application for the front yard setback as a result of the required road widening which is recommended as a condition of the subject severance application.
	In addition, Staff have recommended that the existing shed on the severed lot be removed in order to comply with the Zoning By-law (accessory structures cannot exist on a lot without a principal dwelling).
	In consideration of the above, the subject application maintains the purpose and intent the Town's Zoning By-law, subject to the approval of the concurrent minor variance applications and subject to the recommended conditions.
Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i> : ⊠Yes □No	Staff have reviewed the matters under Sections 2, 51(24) and 53(12) of the Planning Act, and are of the opinion the proposed development conforms to these sections, subject to the proposed conditions.

#### CONCLUSION:

The Planning Department recommends approval of application B-020-2023, subject to the recommended conditions.

#### PREPARED BY:

Keirsten Morris Senior Planner

### **REVIEWED BY:**

Steven Montgomery, MCIP, RPP Supervisor of Development Planning



# COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: RELATED APPLICATION:	A-071-2023 & A-072-2023 B-020-2023
MEETING DATE:	February 15, 2024
то:	Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM:	Keirsten Morris, Senior Planner
SUBJECT:	Minor variance applications A-071-2023 and A-072-2023 seeking relief from Table 4.2a of Zoning By-law No. 080-13 for minimum lot area.

#### **PROPERTY INFORMATION:**

Municipal Address	760 Florence Road
Legal Description	Plan 891 Lot 63
Official Plan	Residential Low Density 1 (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

#### **RECOMMENDATION:**

The Planning Department recommends approval of A-071-2023 and A-072-2023, subject to the approval of B-020-2023.

#### **REASON FOR APPLICATION:**

The applicant is proposing to sever the subject lands to create a new residential lot, with a deficient lot area of 492m2 for both the severed and retained lots. The applicant is seeking relief from Section 4.2(a) of the Zoning By-law, which requires a minimum lot area 600m2 for the severed lot. This application is to be heard in conjunction with application B-020-2023.

Application Number	By-law Requirement (4.2a) minimum lot area))	Proposed	Difference
A-071-2023	600m2	492m2	108m2
A-071-2023	600m2	492m2	108m2

#### SURROUNDING LANDS:

North	Margs Lane; Low density residential	
East	Low density residential (754 Florence Road)	
South	Florence Road; Low density residential	
West	Low density residential (766 Florence Road and 2216 Margs Lane)	

# ANALYSIS:

Site Inspection Date	February 6, 2024
Maintains the purpose and intent of the Official Plan:	The subject lands are designated Residential Low Density 1 on Schedule B1 to the Town Official Plan. Single-detached dwellings are permitted in the designation.
⊠Yes ⊡No	Section 10.2.4 of the Official Plan states that the maximum permitted density of the Residential Low Density 1 area shall be 13 units per net hectare and the minimum shall be 10 units per net hectare. ' <i>Net hectare</i> ' means the area of land of the lot and includes local roads as per the definition in Section 23.3.91. The proposal to sever the subject lands into two lots would be within this range, at a density of approximately 13 units per net hectare when factoring in lot areas and abutting roads.
	Section 10.2.11 states that 'in cases of existing oversized lots, the lot may be subdivided such that any new lot(s) meet the minimum lot area requirements of the zoning by-law, any required variance is no greater than 20% of the applicable zoning provision and the frontage is consistent with the average frontage on the same street within 250m metres." The proposed lot area variances are 18% which complies with this policy and the lot frontages are consistent with surrounding lots.
	The general intent of the Official Plan with respect to this policy is to ensure lots are compatible in size and character with the surrounding area. The frontages are similar to existing lots on Florence Road and Margs Lane, as described in the planning memorandum for B-020- 2023. The proposed lot areas are also similar to the adjacent lots to the west and comparable with lots to the south on Wards Lane. Staff note that without the required road widening, the severed and retained lots would maintain an area of approximately 553m2 which is consistent with lots to the south on the other side of Florence Road.
Maintains the purpose and intent of the Zoning By- law: ⊠Yes □No	Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan, subject to conditions. The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 15m lot frontage and minimum 600m2 lot area. Both the severed and retained lots meet the minimum frontage requirements however are deficient in the minimum lot area. As such, Minor Variance applications have been submitted to seek relief from the minimum lot area requirement for the severed and retained lots.
	The purpose and intent of the Zoning By-law with respect to minimum lot area is to ensure lots reflect the size and character of lots in the area. The lots immediately adjacent to the west of the subject lands are similar in lot area. Lots along Florence Road and Margs Lane maintain similar frontages to the proposed severed and retained lots and are similar in size. As noted, the lots along Florence Road to the

	south of the subject lands are similar in lot area if a road widening was not required for the related severance application B-020-2023. Although the severed and retained lots would be slightly smaller than existing lots in the area, due to the required road widenings, they would not be out of character for the area. Staff do not have concerns with compatibility of the proposed severed and retained lots based on the lot areas of neighbouring properties and are of the opinion that an appropriately sized single detached dwelling could be sited on the vacant severed lot within the R1 zone standard as provided in the Severance Plan submitted with the application. A fulsome zone review for any future dwelling on the severed lot would occur at the building permit stage.
	Future variance applications would be required for the proposed reduction in front yard setbacks for the existing dwelling on the retained lot and for any future dwelling on the severed lot which is a recommended condition of consent application B-020-2023 and has been detailed in the associated planning memorandum for the consent.
	In consideration of the above, the subject application complies with the Town's Zoning By-law, subject to the approval of the concurrent consent application and its conditions.
The variance is desirable for the appropriate/orderly development or use of the land: ⊠Yes □No	In the opinion of Staff, the variance is considered desirable for appropriate/orderly development of the land, subject to the proposed conditions for consent application B-020-2023. One new residential lot in an established neighbourhood within a settlement area is considered appropriate as limited infill development. The proposed severed and retained lot areas are in keeping with the character of the area.
The variance is minor in nature: ⊠Yes ⊡No	Staff are of the opinion the variance is considered minor in nature, subject to the conditions proposed as part of the consent application, due to the limited impacts to neighbouring properties and the proposed lots not being out of character in the area.

#### CONCLUSION:

The Planning Department recommends approval of application A-071-2023 and A-072-2023, subject to the approval of B-020-2023.

#### PREPARED BY:

Keirsten Morris Senior Planner

#### **REVIEWED BY:**

Steven Montgomery, MCIP, RPP Supervisor of Development Planning



**Community Development Standards Branch** 

# MEMORANDUM TO FILE

DATE: January 31, 2024 FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca FILE/APPLICATION: B-020-2023 SUBJECT: 760 Florence Road

<u>Comments to applicant/owner for information purposes</u> (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)

 The applicant/owner shall obtain a demolition permit for the existing accessory structure (if it exceeds 15m2) and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department). If the structure is less than the 15m2 demolition can occur without a permit.



**Community Development Standards Branch** 

# MEMORANDUM TO FILE

DATE: January 31, 2024 FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca FILE/APPLICATION: A-071 & 072-2023 SUBJECT: 760 Florence Road

<u>Comments to applicant/owner for information purposes</u> (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)

 The applicant/owner shall obtain a demolition permit for the existing accessory structure (if it exceeds 15m2) and complete the final inspection prior to completion of the severance, to the satisfaction of Community Development Standards Branch (Building Department). If the structure is less than the 15m2 demolition can occur without a permit.



# MEMORANDUM TO FILE

**DATE:** February 1<sup>st</sup>, 2024

**FROM/CONTACT:** Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-020-2023 760 Florence Road

**SUBJECT:** Severance Application for 760 Florence Road – InnServices Comments and Conditions

<u>Comments to applicant/owner for information purposes</u> (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

- It appears that the existing water and sanitary service laterals for the subject property are located on the proposed retained lot (southern lot fronting Florence Road). These services are currently servicing the existing dwelling located on the proposed retained lot. New water and sanitary service laterals, from to the existing municipal water and sanitary main to property line will be required for the severed lot (northern lot fronting Margs Lane).
- 2. Prior to submitting a Right of Way Activity Permit (RAP) to the Town of Innisfil, the Owner/Applicant shall submit an Additional Service Connection Application to InnServices to service the proposed severed lot, complete with the applicable Additional Service Connection Application fees.
- 3. Prior to issuance of building permit(s) the Owner/Applicant shall have an issued RAP with The Town of Innisfil for works to be completed within the Town's road allowance in accordance with Town Standards that address, but may not be limited to, such matters as connecting new water and sanitary service laterals, to the existing municipal water and sanitary mains and restoration of the Town's road allowance. All works shall be completed to the satisfaction of the Town and InnServices.
- 4. As part of the RAP, the Owner/Applicant shall provide drawings, plans, cost estimates, specifications, reports, studies and certifications signed and sealed by a Professional Engineer for the proposed development that address, but may not be limited to the servicing of the proposed development to the satisfaction of the Town and InnServices.
- 5. The Owner/Applicant will retain a contractor to execute the installation of the services. This work may commence only after the applicant has an issued RAP with the Town of Innisfil and all fees have been paid to the satisfaction of the Town and InnServices.

**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. That the Owner/Applicant confirm that the existing water system can provide/accommodate the required flows and pressures to service the severed lot at the expense of the Owner/Applicant to the satisfaction of InnServices.
- 2. That the Owner/Applicant confirm that the existing sanitary conveyance and treatment system can accommodate the required flows that will be generated by the severed lot at the expense of the Owner/Applicant to the satisfaction of InnServices.



# Engineering

# MEMORANDUM TO FILE

DATE: February 9, 2024

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

FILE/APPLICATION: B-020-2023

SUBJECT: 760 Florence Road

<u>Comments to applicant/owner for information purposes</u> (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comment.

<u>Condition of Approval</u> (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. The Owner/Applicant to confirm that the existing storm ditch system is sufficient based on the severance and future building plans.
- 2. The Owner/Applicant to submit a grading plan.
- 3. The Owner/Applicant to confirm if tree removal will occur, should tree removal occur compensation would be required.



# Engineering

# MEMORANDUM TO FILE

DATE: February 9, 2024

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

FILE/APPLICATION: A-071-2023 & A-072-2023

SUBJECT: 760 Florence Road

<u>Comments to applicant/owner for information purposes</u> (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comment.

<u>Condition of Approval</u> (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. The Owner/Applicant to confirm that the existing storm ditch system is sufficient based on the severance and future building plans.
- 2. The Owner/Applicant to submit a grading plan.
- 3. The Owner/Applicant to confirm if tree removal will occur, should tree removal occur compensation would be required.