

Summary of Comments

A-004-2024 – 2979 Middlemass St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-004-2024
ASSOCIATED APPLICATION(S) SP-2022-019; A-015-2023
MEETING DATE: April 18, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Darren Ding
Development Planner
SUBJECT: Minor variance application seeking relief from Section 4.2b of the Zoning By-law which requires a minimum Landscape Open Space ratio of 35% in RT zones.

PROPERTY INFORMATION:

Municipal Address	2979 Middlemass Street
Legal Description	PLAN 51M1189 BLK 318
Official Plan	Residential Medium Density (Schedule B5)
Zoning By-law	Residential Townhouse Exception (RT-5(H)) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-004-2024, subject to the following condition(s):

CONDITION(S):

- 1.) That the variance only applies to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.

REASON FOR APPLICATION:

The applicant is proposing a 38-unit townhouse land lease development with 31.6% of landscaped open space for the overall development on the subject lands. The applicant is seeking relief from Section 4.2b of the Zoning By-law, which requires the minimum landscaped open space to be 35%. This application is associated with a Site Plan Control application (SP-2022-019), which is currently under review by Town Staff, and a previously approved Minor Variance application (A-015-2023) regarding the interpretation of Muskoka Rooms as being permitted the same encroachment relief as porches and verandahs.

Application Number	By-law Section	Requirement	Proposed	Difference
A-004-2024	4.2b	35%	31.6%	3.4%

	Minimum Landscaped Open Space	(5903.8m ²)	(5,330.3m ²)	(573.5m ² difference)
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SURROUNDING LANDS:

North	Lockhart Rd and future multi-use trail
East	Open space
South	Residential low density (single-detached dwelling lots)
West	Middlemass Street, Open space (public park) and residential low density (single-detached dwelling lots)

ANALYSIS:

Site Inspection Date	April 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 Medium Density on Schedule B5 in the Town’s Official Plan, which permits townhouses and accessory structures on the subject lands. The subject lands are not within the Lake Simcoe Region Conservation Authority (LSRCA) regulated area.</p> <p>The subject lands are within the settlement area of Sandy Cove which is an Urban Settlement per Schedule A of the Town Official Plan. Section 10.1.23 of the Official Plan states that ‘The range of housing within the Alcona Primary Settlement Area and Urban Settlement Areas shall include medium and higher density housing to promote compact urban form’. The Official Plan aims to promote development that is compatible with the surrounding area and encourages appropriate land uses. The applicant is proposing to facilitate a 38-unit townhouse development with reduced minimum landscape open space of 31.6% on the subject lands. The proposed reduced landscaped open space fits in with the proposed design and character of the units and neighborhood and the Muskoka Rooms would allow less yard maintenance area for the senior-age residents this development is targeting. Sufficient amenity space, internal and external is being provided for the enjoyment of the residents.</p> <p>Section 16.2.7 of the Official Plan states that ‘The Low Impact Development (LID) Evaluation shall assess the suitability of the following techniques as part of the development proposal: a) rainwater harvesting and rain-garden to promote water re-use; b) infiltration galleries, soak-away pits, permeable surfaces, and perforated pipes to maintain water balance and reduce runoff; and e) natural landscapes to minimize water use and consumption.’ The proposed Stormwater Management system is currently under review by the Engineering Department through the Site Plan Control process. Furthermore, Staff note that the subject lands abut a large public park to the west, stormwater management pond with publicly accessible trail to the east, and a landscaped Block 333 (with future multi-use trail) to the north, which collectively provide additional landscaped space and appropriate LID solutions of stormwater runoff, and offset the potential negative impacts caused by the reduced landscaped open space.</p>

	<p>Based on the above, Staff are of the opinion the application maintains the general purpose and intent of the Official Plan, subject to the proposed condition(s).</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 property is zoned Residential Townhouse Exception (RT-5(H)) Zone in the Town’s Zoning By-law No. 080-13, which permits single detached dwellings and accessory structures.</p> <p>Section 4.2b of the Zoning By-law requires that the minimum landscaped open space shall be 35%. Considering that the subject lands are land lease development, the 35% requirement would be interpreted as applying to the entire development/parcel rather than to each individual unit/lot.</p> <p>The applicant proposes to reduce the minimum landscaped open space requirement by 3.4% (or 573.5 m2) from 35% to 31.6% of the subject lands. The purpose and intent of landscaped open space provision is to ensure appropriate outdoor areas for residents’ relaxation, recreation, and socializing, to enhance the visual appeal of residential neighborhoods, and to help absorb rainwater, reducing runoff and mitigating flooding and erosion risks.</p> <p>Staff note that the proposed reduced landscaped open space is partially caused by the inclusion of Muskoka Rooms in the rear yard of townhouse units, which has been approved by the Committee of Adjustment on April 20, 2023. The yard amenity space and shared outdoor amenity areas are still being provided. Also, as stated above, the subject lands abut large-scaled open spaces to both the east and west, and a landscaped lot (with future mixed-use trail) to the north, which collectively provide additional landscaped space.</p> <p>Additionally, Staff note the 35% landscaped open space requirement in the Zoning By-law came into effect in 2013, whereas the original zoning for the subject lands (i.e., RT-5) was approved by the Ontario Municipal Board (OMB) in 2012, resulting in a minor variance required to a regulation that did not exist at the time of the OMB approval of the current zoning on this site. Often condominium townhouses will ask for site specific amendments to regulations like landscaped open space where more compact development requires a slight reduction in the standards. Staff note all other zoning provisions are met including overall lot coverage, which is 60%, and 42% is provided.</p> <p>Considering the above, the application is considered to maintain the purpose and intent of the Zoning By-law, subject to the proposed condition(s).</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land:</p>	<p>The reduced landscaped open space for the entire development is not considered to be out of character with the surrounding neighbourhood. All other provisions of the Zoning By-law are met. The reduction is small in scale, while preserving a reasonable amount of indoor (in the form of Muskoka Rooms in the rear yard) and outdoor amenity space.</p>

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Outdoor amenity space including a public park, trail block to the north, and stormwater management block with trails, is provided around this development. Engineering Services has reviewed and supports that the development is appropriate from a stormwater management perspective in terms of water balance and run-off. Given the above, it is Staff's opinion that the variance is desirable for the appropriate/orderly development and use.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The variance is considered minor in nature (3.4%), subject to the proposed condition(s). Reasonable amenity space is provided, included in the approved Muskoka Rooms, rear yards, adjacent buffer block, public park, and stormwater management trails, and Engineering Services supports the development from a stormwater management perspective in terms of water balance and stormwater run-off.

PREPARED BY:

Darren Ding
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Engineering

MEMORANDUM TO FILE

DATE: April 12, 2024

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

FILE/APPLICATION: A-005-2024

SUBJECT: 913 Church 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. No comment.

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 comment.



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: April 12, 2024

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

FILE/APPLICATION: A-004-2024

SUBJECT: 2979 Middlemass 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. No comments.

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.

April 10th, 2024

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

Re: Objection to Proposed Townhouse Development and Reduction of Green Space
– Application No. A-004-2024

Dear Members of the Town of Innisfil, Committee of Adjustment,

My family and I would like to express our objection to the proposed development of townhouses and the reduction of green space requirements as outlined in the notice regarding Application No. A-004-2024. While I understand the importance of development and growth within our community, I have witnessed first hand the negative environmental impact that the development has already had on wildlife and the ground and table water in the area. I firmly believe that the proposed project would have further detrimental effects on the existing green space and overall well-being of our neighbourhood.

Furthermore, there have been significant changes to this development over the years, resulting in increased density and loss of green space already. When this development started, there was a promise made to local taxpayers to leave trees and greenery along the roadsides. However, the current development and proposal appears to disregard this commitment, further encroaching on green spaces and water retention systems. This environmental change will negatively impact Lake Simcoe and local citizens health and property value in the area. The current residents in the area have yet to benefit from this development and should be delivered what was promised. It is imperative that we preserve what little green space remains and resist further overdevelopment.

Specifically, the proposed development will have adverse effects on water runoff and table water height. Green spaces play a crucial role in absorbing and filtering rainwater, helping to mitigate flooding and erosion. By replacing these areas with impervious surfaces such as pavement and buildings, the natural absorption and filtration processes would be compromised, leading to increased surface runoff and higher water table levels. This has already resulted in localized flooding and strain on existing drainage systems, posing significant risks to the safety and well-being of residents/land owners.

Additionally, the current lake access and Parkette is undersized for the area it must serve. This area is not capable to safely accommodate the increased density and population that will result from this development. Insufficient recreational space could lead to overcrowding, reduced enjoyment, and potential conflicts among residents. Additionally, inadequate facilities may impact the overall attractiveness of the area, potentially deterring visitors and residents alike.

While responsible development is needed in our city, I urge the Committee of Adjustments to consider rejecting the proposed townhouse/reduction of green space project in light of the adverse effects it will have on our community. This area is uniquely challenged with water table and ground water issues. Development to date has exacerbated that situation and the natural areas and local long-standing citizens are being negatively impacted. I believe it is the residents' and the City of Innisfils' representatives responsibility to minimize the negative impact and recognize that preserving our green spaces/water retention systems is essential for the health, well-being, and sustainability of Innisfil. We ask that you please prioritize these considerations in your decision-making process.

Thank you for considering our objections to this development proposal. We trust that you will undergo the proper due diligence and respect the concerns raised by myself and other concerned citizens in the area before reaching a final decision.

Sincerely,

[REDACTED]