



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING
APPLICATION NO. A-027-2024**

TAKE NOTICE that an application has been received by the Town of Innisfil from **Gaelan Pierce, Applicant**, on behalf of **Sam Seirafianpour, Owner**, for a minor variance from 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 **PLAN 1378 PT LOT 36 PT BLK E RP 51R41437 PART 2** known municipally as **1953 St Paul Road**, and is zoned “**R1 – Residential**”.

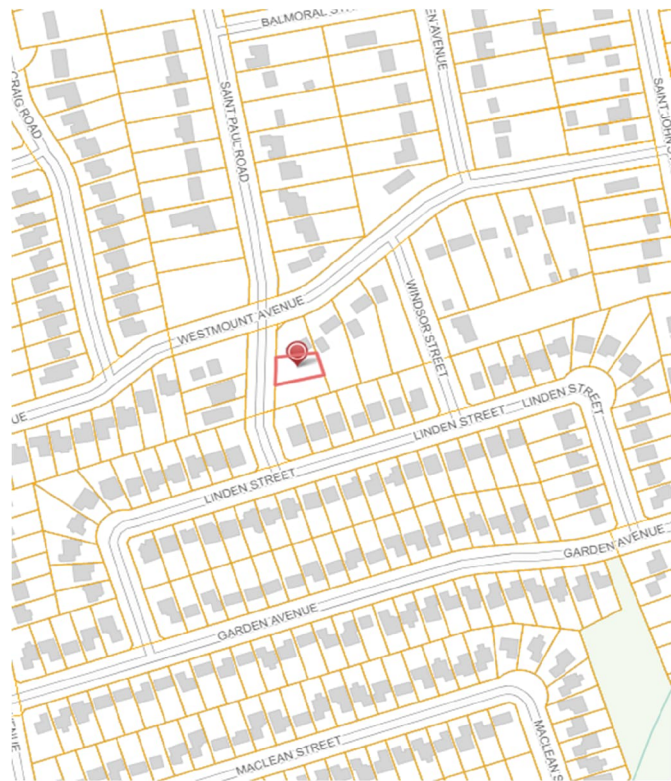
The applicant is proposing an adjustment to the lot boundary which will result in a deficient lot area of approximately 489.1 m². The applicant is seeking relief from Table 4.2a of the Zoning By-law which requires a minimum lot area of 600m².

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on **Thursday, August 15, 2024, at 6:30 PM.**

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code: <https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx>

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to planning@innisfil.ca.

If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Ontario Lands Tribunal.



Additional information relating to the proposed 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.

Dated: **July 31, 2024**

Toomaj Haghshenas,
Secretary-Treasurer
thaghsheenas@innisfil.ca
705-436-3710 ext. 3316




WESTMOUNT AVENUE

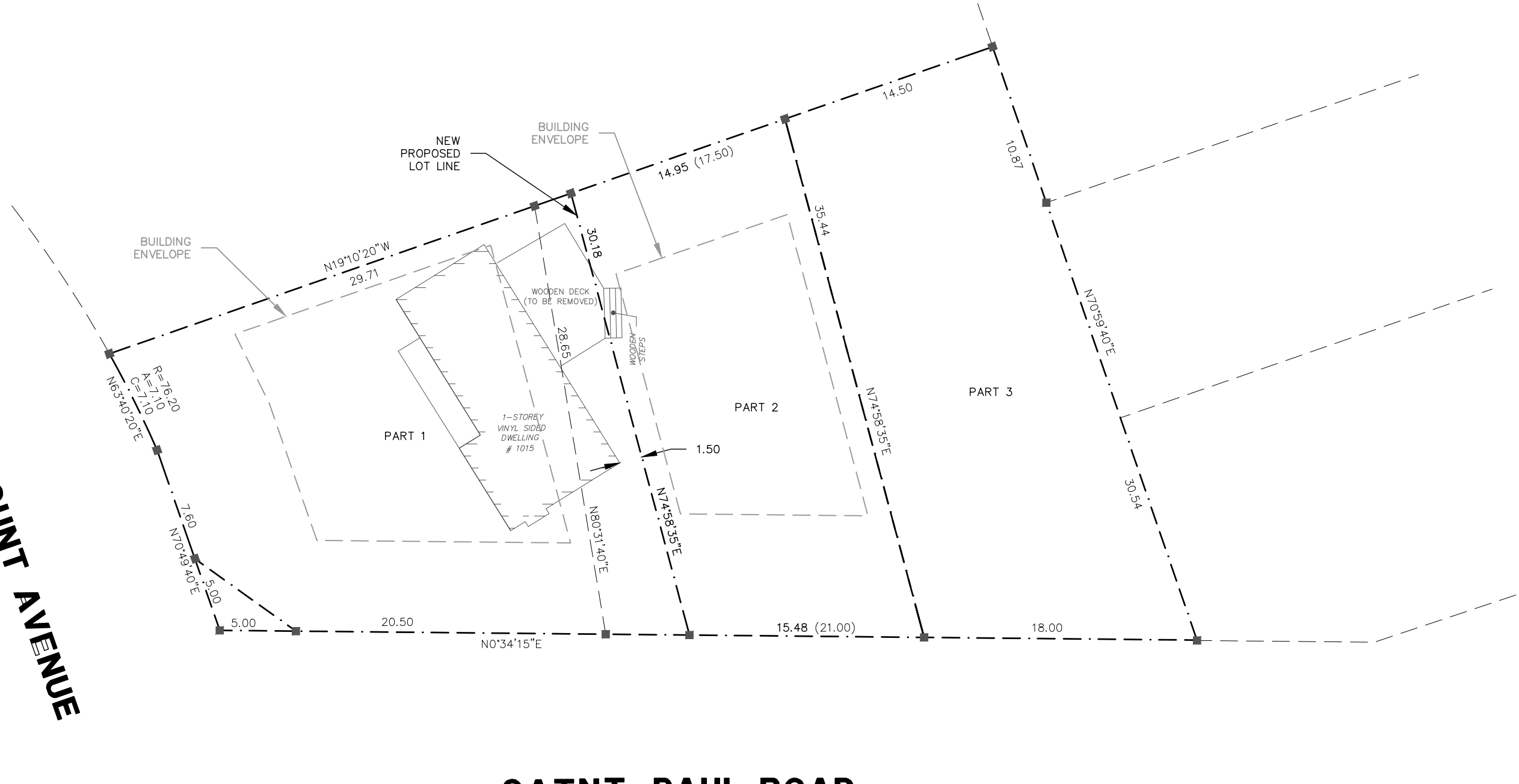
SAINT PAUL ROAD

LEGAL PROPERTY BOUNDARIES
 TAKEN FROM THE "PLAN
 51R-41437" DRAWING PREPARED
 BY EPLETT WOROBEK RAIKES
 SURVEYING LTD. DATED
 FEBRUARY 26, 2018.

PART 1 PART 2

	MINIMUM REQUIREMENT	PROVIDED	PROVIDED
MINIMUM LOT AREA	600m ²	761.27m ²	489.06m ² (REQUESTED)
MINIMUM LOT FRONTAGE	15.0m	22.35m	15.48m
MINIMUM FRONT YARD	8.0m	8.0m	8.0m
MINIMUM INTERNAL SIDE YARD	1.5m	1.5m	1.5m
MINIMUM EXTERNAL SIDE YARD	6.0m	6.0m	N/A
MINIMUM REAR YARD	6.0m	1.5m (REQUESTED)	6.0m
MAXIMUM BUILDING HIEGHT	9.0m	<9.0m	<9.0m

<p>1015 WESTMOUNT AVENUE & 1953 Saint Paul Road (TOWN OF INNISFIL)</p> <p>SITE PLAN</p>	 <p>MOOREVIEW DEVELOPMENT MANAGEMENT</p>				
	Design By	GP	File No.	24-04-18	<p>Sheet No.</p> <p>SP</p>
	Drawn By	TG	Date	2024-06-21	
Checked By	DM	Scale	1:300		



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: FEB 26/18

PLAN 51R-41437
RECEIVED AND DEPOSITED:

DATE: Feb 27, 2018

P.T.R.
PETER T. RAIKES, BSc., CLS, MRICS
ONTARIO LAND SURVEYOR

"M. Westlake"
REPRESENTATIVE FOR
LAND REGISTRAR
FOR THE LAND TITLES DIVISION
OF SIMCOE (No. 51)

SCHEDULE				
PART	LOT / BLOCK	PLAN	PIN	AREA M ²
1	PART OF 36	1378	58991-0021 (LT)	633.8
2	PART OF 36			605.6
3	PART OF E			607.6
4	PART OF 36			11.8

PARTS 1, 2, 3 & 4 COMPRISE ALL OF PIN 58991-0021 (LT)

PLAN OF SURVEY
OF ALL OF
BLOCK E
AND OF ALL OF
LOT 36
REGISTERED PLAN 1378
TOWN OF INNISFIL
COUNTY OF SIMCOE

SCALE 1 : 300
5 4 3 2 1 0 5 10 20 Metres

EPLETT WOROBEC RAIKES SURVEYING LTD.
2017

METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE
BEARINGS HEREON ARE UTM GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (ORPs) A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°W IN ZONE 17 BASED ON NAD 83 (CSRS) (2010 EPOCH).

BEARING ROTATION
FOR BEARING COMPARISONS, A ROTATION OF 1°03'00" COUNTERCLOCKWISE WAS APPLIED TO REGISTERED PLAN 51M-339 (P1), A ROTATION OF 1°05'20" COUNTERCLOCKWISE WAS APPLIED TO REGISTERED PLAN 1378 (P2).

DISTANCE NOTE
DISTANCES SHOWN ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999735.

LEGEND

■	DENOTES FOUND MONUMENT
□	DENOTES PLANTED MONUMENT
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
CP	DENOTES CONCRETE PIN
Meas.	DENOTES MEASURED
1280	DENOTES ANTON KIKAS LIMITED
P1	DENOTES REGISTERED PLAN 51M-339
P2	DENOTES REGISTERED PLAN 1378
NM	DENOTES NO MARKINGS

OBSERVED REFERENCE POINTS (ORPs) ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET VRS NETWORK, UTM ZONE 17 (81° LONGITUDE) NAD 83 CSRS (2010 EPOCH) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG 216/10

UTM NAD 83 CSRS COORDINATE TABLE		
POINT ID	NORTHING	EASTING
ORP A	4907203.20	615779.76
ORP B	4907131.44	615760.85

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 27th DAY OF NOVEMBER, 2017.

FEB 26/18
DATE

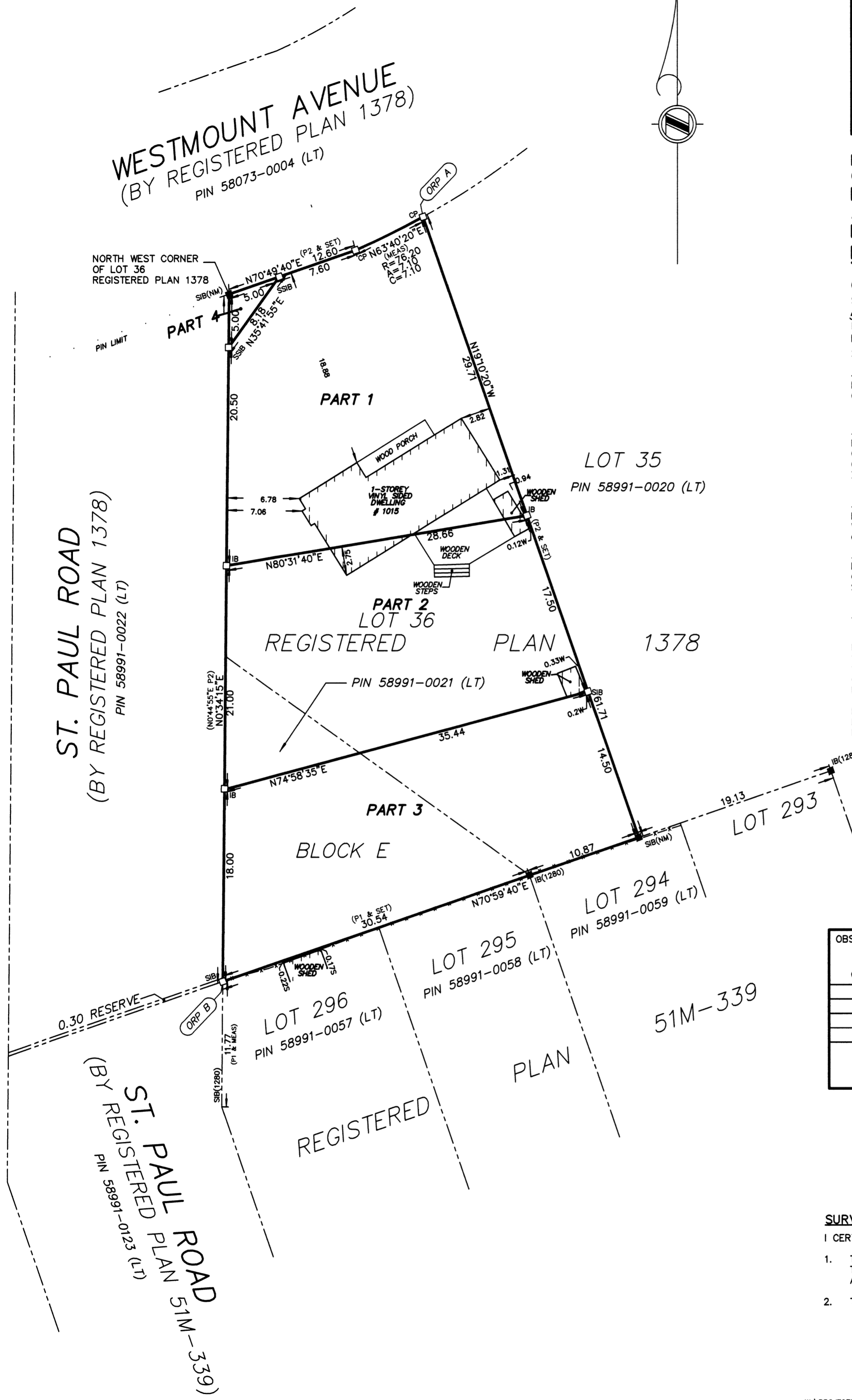
P.T.R.
PETER T. RAIKES, BSc., CLS, MRICS
ONTARIO LAND SURVEYOR

W:\PROJECTS\PROJECTS_2017\175589\MSCAD\175589_RP.DWG

DRAWN BY: ALR & SGC	PROJECT No. 175589
CHECKED BY: PTR	

EPLETT WOROBEC RAIKES SURVEYING LTD
Ontario Land Surveyors • Canada Lands Surveyors

Barrie Office: (705) 722 - 6222 642 Welham Road, Barrie, ON L4N 9A1
Midland Office: (705) 526 - 7552 529 Elizabeth Street, Midland, ON L4R 2A2
Toll Free: 1-888-787-8394 FAX: (705) 722 - 6855
E-MAIL: e-w@survey4u.com



WESTMOUNT AVENUE
(BY REGISTERED PLAN 1378)
PIN 58073-0004 (LT)

ST. PAUL ROAD
(BY REGISTERED PLAN 1378)
PIN 58991-0022 (LT)

ST. PAUL ROAD
(BY REGISTERED PLAN 51M-339)
PIN 58991-0123 (LT)

REGISTERED PLAN 1378

BLOCK E

REGISTERED PLAN 51M-339

LOT 35
PIN 58991-0020 (LT)

LOT 293

LOT 294
PIN 58991-0059 (LT)

LOT 295
PIN 58991-0058 (LT)

LOT 296
PIN 58991-0057 (LT)

51M-339

July 6, 2024

File: 24-04-016

Mr. T. Haghshenas
Secretary Treasurer - Committee of Adjustment
1201 Innisfil Beach Road
Innisfil, ON
L9S 1A1

RE: Request for consent to sever and merge (Lot Line Adjustment)/Minor variances (2)
1015 Westmount Avenue and 1953 Saint Paul Road, Alcona, Town of Innisfil

Dear Mr. Haghshenas,

Mooreview Development Management Inc. (“MDM”) has been retained as planning consultants by Sam Seirafianpour (“Owner”, “Applicant”), owner of lands known legally as Parts 1 and 2 of R51-41437. The properties are municipally addressed as 1015 Westmount Avenue and 1953 Saint Paul Road (the “Subject Lands”), Alcona, Town of Innisfil. MDM has been retained to provide professional planning advice on the request for consent to sever and merge (lot line adjustment). The request to adjust the shared internal lot line will require two (2) supporting minor variances. On behalf of the owner, we are pleased to provide materials in support of this proposal. In support of this application, please find attached the following materials:

- Planning Justification Report
 - Attachment 1 Reference Plan 51R-41437
 - Attachment 2 Site Plan (Lot Configuration Plan)
 - Attachment 3 Detailed Land Use Policy Review
- Site Plan (Lot Configuration Plan)

1.0 Background

1.1 Prior Approvals

The properties are associated with the June 15, 2017 applications for consent (B-038-17 and B-039-17), proposing the severance of 1015 Westmount Avenue into one retained (1015 Westmount Avenue) and two new lots (1953 Saint Paul Road and 1949 Saint Paul Road). As shown in Attachment 1 Reference Plan 51R-41437, Parts 1 and 2 share a dwelling structure, located predominantly on the 1015 Westmount Avenue parcel but partially on 1953 Saint Paul Road, bisected by the lot lines created by the approved 2017 severances. Through an apparent administrative error, a Certificate of Official was provided to the Owner and registerable plan of survey was submitted to the Town and deposited to the Land Registrar on February 27, 2018, prior to dwelling demolition resulting in the creation of the lots. Despite the initial intention to



demolish the dwelling, the Owner seeks to retain the dwelling, recently renovated and in good physical condition for use, for financial reasons. The matter of lot line bisection through the existing dwelling imposes a financial and legal challenge for the owner and effectively precludes the sale and/or construction of a dwelling as intended on 1953 Saint Paul Road.

1.2 Description of the Subject Lands

1015 Westmount Avenue and 1953 Saint Paul Road are located on the south-east corner of Westmount Avenue and Saint Paul Road in the settlement of Alcona, Township of Innisfil. The properties have lot current areas of 633.8 m² and 605.6 m² and lot frontages of 22.35 m (on Westmount Avenue) and 20.21 m (on Saint Paul Road), respectively. Existing lot fabric can be referenced in Attachment 1 Reference Plan 51R-41437. The properties contain a 1 storey, single-detached dwelling, oriented on a slight angle facing NNW, and sited at the furthest rear (south) point of 1015 Westmount Avenue and partially on 1953 Saint Paul Road.

1.3 Surrounding Character

The Subject Lands are located within a stable residential neighbourhood. The Subject Lands properties are located along an historic settlement edge of Alcona, which expanded significantly in the 1990s. Neighbouring properties can be generally grouped into two types based on lot shape, lot area, frontage, and building setback. Properties east along Westmount Avenue and north along Saint Paul Road are of an older stock and have a mix of regular and irregular lot shapes, significantly larger lot areas (>1200 m²), frontages ranging from 18-30+ metres, and building setbacks ranging from 8-20+ metres. Some lots along these streets are noted to have very deep lot depths and associated large lot areas. To the south and west are more recent lots constructed during the settlement expansion of Alcona and reflect more modern, rectangular lot configurations, typically with minimum lot area of 600 m², frontages of 15 m, and 8 m for front yard setback.

If a broader interpretation of neighbourhood character is taken, including properties within a 5 minute walk or 500 metres, greater lot area diversity and greater building setback variation can be found within similarly zoned properties, especially when heading eastward on Westmount Avenue towards Lake Simcoe.

Surrounding properties are amply vegetated with mature trees within the Town right of way and within predominantly manicured lawns, contributing to the high level of coherent neighbourhood character, despite the wide range of lot areas, lot depths, and setbacks.

Several more recent infill developments were also identified in the surrounding neighbourhood, including properties immediately south of the Subject Lands and west across Saint Paul Road.

2.0 Proposal

The Applicant proposes a technical severance and two supporting minor variances for the purpose of rectifying the current lot line bisection through the existing dwelling. As shown on



Attachment 2 Site Plan (Lot Configuration Plan), the proposed lot line configuration has been prepared to accommodate the existing dwelling while balancing the proposed lot area reduction on 1953 Saint Paul Road and the proposed rear yard setback from the existing dwelling on 1015 Westmount Avenue. Specific details pertaining to the requested severance and each variance follow below.

2.1 Purpose and Effect of the Proposed Severance

The application for consent to sever and merge (lot line adjustment) consists of severing 127.47 watermark along the north property line on 1953 Saint Paul Road and merging it with the benefitting 1015 Westmount Avenue. The purpose of the proposal is to resolve the line conflict bisecting the existing home at 1015 Westmount Avenue. For financial reasons, the Owner desires to preserve the existing, viable, and recently renovated dwelling on 1015 Westmount Avenue. The resulting configuration would have the effect of shifting the lot line bisecting the dwelling at 1015 Westmount Avenue to 1.5 m south of the existing structure at its narrowest point and running parallel to the shared interior lot line with 1949 Saint Paul Road.

The following Table describes the proposed changes and the resulting Zoning By-law statistics:

Table 1 Lot Configuration and Zoning Requirements

Description	Existing Lot Area	Proposed Lot Area	Existing Lot Frontage	Proposed Lot Frontage
1015 Westmount Avenue (Part 1 R51-41437)	633.8 m ²	761.3 m ² (no variance required)	22.3 m	22.3 m (no change)
1953 Saint Paul Road (Part 2 R51-41437)	605.6 m ²	489.1 m ² (variance required)	21.0 m	15.48 m (no variance required)

2.2 Purpose and Effect of the Proposed Minor Variances

The application for minor variance to Section 4.2.a at 1015 Westmount Avenue for rear yard setback requests a relief from the current minimum setback of 6.0 m to a proposed 1.5 m for the purposes of facilitating the lot line adjustment and establishing a legal rear yard setback condition for the existing dwelling.

The application for minor variance to Section 4.2.a at 1953 Saint Paul Road for lot area requests permission for a reduction from the current minimum lot area of 600 m² to a proposed 489.1 m². Relief from the minimum lot area requirement would facilitate the proposed lot line adjustment.



3.0 Planning Analysis

3.1 Detailed Land Use Policy Review

Detailed land use policy review has been attached to this report to maintain manageable readability and provide fulsome detail. Refer to Attachment 3 Detailed Land Use Policy Review on page 14 for a full account and assessment of applicable legislation; Provincial, county, local land use policy; and Town Zoning By-law.

3.2 Proposed Lot Configuration

Adjustments to existing lot lines can often force compromises between competing zoning performance standards and other aesthetic and sense of place considerations. Official Plan provisions related to management of intensification proposals within settlement areas are described in Attachment 3 of this report. Key policies include 9.9.4 - 9.9.6, which direct for the maintenance and protection of stable residential neighbourhoods from infill and built form out of character for their surrounding neighbourhoods. Policies direct for the assessment of proposals on their impact on the physical character of the neighbourhood and directing for a respectful approach to infill that reinforces the physical character of buildings, lot patterns, streetscapes and private open space patterns.

In the absence of detailed urban design guidelines addressing small-scale residential infill scenarios, as directed by policy 9.1.3, the proposed lot configuration shown in Attachment 2 Site Plan (Lot Configuration Plan) was drafted with regard for criteria in policy 9.9.6 and strives to balance the following principles:

- While accommodating the existing dwelling on 1015 Westmount Avenue, seek to minimize the scale of the variance for lot area on 1953 Saint Paul Road to the extent possible (aligning with policy 9.9.6.i, related to the size of lots)
- Protect for a sufficient rear yard setback at 1015 Westmount Avenue to accommodate maintenance and access purposes and to introduce what could visually be interpreted as an interior side yard setback condition, congruent with building spacing to the south (aligning with policy 9.9.6.iii and iv, related to the prevail setback pattern);
- Regularize the lot shape to the extent possible, avoiding trapezoidal and other irregular configurations (aligning with policy 9.9.6.i, related to lot shape);
- Maintain comparable lot frontages from within the surrounding neighbourhood, to the extent possible (aligning with policy 9.9.6.iii, related to the front yard setbacks)
- Ensure proposed lot areas are viable for their intended use and can accommodate minimum zoning setbacks (aligning with policy 9.9.6.ii, related to suitability to accommodate a comparable single detached dwelling within the resulting building envelope).

Though marginal adjustments to the proposed lot configuration could potentially reduce one of the associated requested variances at the expense of the other, the proposed configuration strikes an effective balance between preserving access, maintaining visual congruence with the surrounding neighbourhood, and permits a gentler and more compatible infill approach with a



retained dwelling structure and associated vegetation. The proposal therefore implements the Official Plan policies related to intensification objectives and better protect for the existing community character and sense of place than the full site redevelopment proposal originally considered in 2017.

3.3 Planning Act Analysis – Severance (Lot Line Adjustment)

The proposed severance has been evaluated under section 51(24) of the Planning Act. The Act supplies criteria that decisionmakers must consider when evaluating changes to lot fabric. The following assessment demonstrates how the proposed severance (lot line adjustment) meets the criteria outlined in section 51(24).

Section 51(24) Criteria	Assessment
(a) the effect of development of the proposed subdivision on matters of Provincial interest as referred to in section 2;	An account of applicable matters of Provincial interest can be found in Attachment 3 Detailed Land Use Policy Review. No conflicts with matters of Provincial interest have been identified for the proposed lot line adjustment.
(b) whether the proposed subdivision is premature or in the public interest;	<p>The proposed lot line adjustment addresses a legal and technical conflict arising from an administrative error and resulting in a registered parcel with a lot line bisecting an existing dwelling. This situation has prevented the owner from fully executing a planned residential intensification proposal on the property. In addition to resolving the lot line situation, the proposed adjustment allows the existing structure and mature vegetation at 1015 Westmount Avenue to continue contributing to the stability of the surrounding residential neighborhood, thereby enabling a more gentle infill intensification scenario than previously considered.</p> <p>The proposal would facilitate a small-scale residential intensification proposal that has been demonstrated to conform with Provincial, county, and local land use policies, zoning regulations, and has been assessed for compatibility with the surrounding neighborhood and is therefore considered to be in the public interest.</p>
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	The proposal has been assessed and found to conform to all applicable provisions of the Official Plan. Refer to Attachment 3 Detailed Land Use Policy Review for full details.
(d) the suitability of the land for the	The Subject Lands and surrounding properties are and



<p>purposes for which it is to be subdivided;</p>	<p>will continue to be used for residential purposes. Proposed changes to lot size and configuration have been assessed, and while smaller than other lots in the area, the required lot area variance is considered minor. Full municipal servicing on Saint Paul Road is available.</p>
<p>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</p>	<p>n/a</p>
<p>(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</p>	<p>The contributing and benefitting parcels will continue to be served by the existing local road system. No additional lots are proposed.</p>
<p>(f) the dimensions and shapes of the proposed lots;</p>	<p>The dimensions of the proposed contributing and benefitting parcels support a scale and form of residential intensification which is compatible with the existing established neighbourhood while accommodating the Owner's need to retain the existing dwelling on the 1015 Westmount Avenue.</p>
<p>(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;</p>	<p>n/a</p>
<p>(h) conservation of natural resources and flood control;</p>	<p>The Subject Lands contain no key natural heritage or key hydrologic features and are further than 120 m from nearby mapped features.</p>
<p>(i) the adequacy of utilities and municipal services;</p>	<p>The contributing and benefitting parcels will connect to municipal services accessible within the adjacent municipal right of way. The proposed internal lot line will overlap the existing sanitary connection and water line, currently located ~5.3 and ~7.3 m respectively from the</p>



	shared internal property line at 1015 Westmount Avenue, however it is understood that new connections will be a condition of approval.
(j) the adequacy of school sites;	As no new lots are proposed, no comments or concerns are anticipated by the Simcoe County District School Board (SCDSB) or the Simcoe Muskoka Catholic District School Board (SMCDSB) due to the technical nature of the proposal.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	No road widenings are required within the Saint Paul Road or Westmount Avenue right of way.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	The proposed lot line adjustment serves to facilitate residential intensification within a primary settlement area, thereby contributing to the achievement of Town policies on intensification and efficient land use, reduction in commensurate need for greenfield development, and promotion of active modes of transportation and achievement of complete communities.
(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act [...]	The property has no prior related site plan control agreements and is not anticipated to require site plan approval for the planned use.

Based on the above assessment and the related conclusions throughout this report, I am of the opinion that the application for lot line adjustment has due regard for, and does comply with, the requirements under section 51(24) of the Planning Act.

3.4 Planning Act Analysis - Minor Variance

The proposed lot line adjustment removes the matter of lot line bisection from the existing dwelling at 1015 Westmount Avenue, however the severance first requires the approval of two minor variances pertaining to contributing and benefitting lots.



The application for minor variance to Section 4.2.a at 1015 Westmount Avenue for rear yard setback requests a relief from the current minimum setback of 6.0 m to a proposed 1.5 m for the purposes of facilitating the lot line adjustment and establishing a legal rear yard setback condition for the retained existing dwelling.

The application for minor variance to Section 4.2.a at 1953 Saint Paul Road for lot area requests permission for a reduction from the current minimum lot area of 600 m² to a proposed 489.1 m². Relief from the minimum lot area requirement would facilitate the proposed lot line adjustment while providing a viable building envelope for the construction of a single detached dwelling.

Section 45(1) presents four tests that must be met for a minor variance to be considered for approval by the Committee of Adjustment. The tests are:

1. The variance maintains the general intent and purpose of the Official Plan.
2. The variance maintains the general intent and purpose of the Zoning By-law.
3. The variance is desirable for the appropriate development or use of the land.
4. The variance is minor in nature.

In my opinion, the requested variances are supportable and meet the four tests under the Planning Act. The following assessment has been prepared to substantiate that conclusion.

3.4.1 The Variances Maintain the General Intent & Purpose of the Official Plan

The requested variances and related severance propose no change in use, rather they make minor adjustments to lot fabric and building performance standards to facilitate a single detached dwelling use on the Residential Low Density 1 designated lot.

Our Place policies align with the Provincial land use framework, evidently directing for growth and intensification within (primary) settlement areas with built-up boundaries, with preference for urban areas with full municipal servicing exists. Since 2017, at which time the lots were initially severed under B-038-17 and B-039-17, the OP has undergone substantive revision. The 2018 OP provides stronger language in support of intensification of all types within primary settlement areas in service of achievement of Growth Plan intensification targets and complete community objectives. Reinvestment through minor infill is expressly encouraged by the Official Plan, under section 9.9.1, which establishes a minimum 33% annular proportion of units through intensification, and 9.9.2, wherein infill intensification is expressly encouraged “to the extent that servicing permits.”

Criteria to guide residential infill at this scale is supplied in section 9.9.4 – 9.9.6, until such time that detailed urban design guidance is complete per policy 9.1.3. Policy 9.9.4 directs for the protection of stable neighbourhoods from intensification of an incompatible form ie. out of keeping with physical character of the neighbourhood. Policy 9.9.5 further directs for the careful assessment of any infill proposal, directing for a respectful approach that reinforces physical character of buildings, lot patterns, streetscapes and private open space patterns. Further, specific criteria are provided to guide such evaluations under section 9.9.6, including such



character elements as size and configuration of lots, prevailing coverage and dwelling type, prevailing setbacks from the street, prevailing patterns of rear and sideyard setbacks and amount and location of private open space on the lot.

The proposed variances serve to support a lot line adjustment that would resolve a legal/technical conflict currently impeding planned residential intensification on the property arising from an administrative error and would accommodate the Owner's financial need to preserve a viable existing dwelling on the site. The proposal is a relatively small, single lot severance, proposing a lot configuration comparable to lot fabric in the surrounding neighbourhood. The proposed lot configuration closely mirrors lot spacing found across the street at 1948 Saint Paul Road. Proposed variances have been carefully selected to establish a lot size no bigger or smaller than absolutely needed to legalize the existing structure, provide maintain a consistent building space along Saint Paul Road through imitation of typical interior side yard setback conditions for the R1 zone, and to maintain a frontage, lot coverage, and resulting visual character from the street comparable to single detached dwellings on other properties in the immediate vicinity. While the variances would result in a reduction of private open space on the lot, most notably within the rear yard of 1015 Westmount, the availability of private amenity space on the remainder of the lot is more than sufficient due to the characteristic deep setbacks on the front and exterior sideyards and ample mature vegetation. Further, zoning provisions would permit a replacement attached deck with a comparable size or an even larger at-grade patio. The resulting condition on 1015 Westmount Avenue cannot be considered to pose an adverse impact to surrounding residents, as the neighbouring lot at 1953 Saint Paul Road is currently vacant and any change prior to dwelling construction would only modify an existing condition.

Regarding compatibility and maintenance of existing neighbourhood character, the proposed lot line adjustment and minor variance applications would enable the existing structure and vegetation on 1015 Westmount Avenue to remain a contributing element of the surrounding stable residential neighbourhood, reinforce the existing physical character of properties on Westmount and Sant Paul Road, and provide additional transition to newer homes south of the Subject Lands on Linden Street, constructed during the Alcona settlement area expansions of the 1990s. The distinctive front yard setbacks, lot sizes and configurations, and availability for private open space found on lots along Saint Paul Road and Westmount Avenue are described in section 1.2 of this report. It is my conclusion that status quo site redevelopment is less in keeping with surrounding neighbourhood character and the requested lot line adjustment and relief from the bylaw will contribute to a more compatible and respectful intensification scenario.

For the reasons above, it is my opinion that the proposed minor variance applications are considered to meet the general intent of the official plan.

3.4.2 The Variances Maintain the General Intent and Purpose of the Zoning By-law

The intent of zoning regulations governing rear yard setbacks within a typical low density residential context is primarily to provide private space for recreation, to facilitate proper



drainage and management of stormwater, and in the case of exterior lots they provide a degree of separation from adjacent from the adjoining lot and form part of the visual spacing between lots and buildings along the street.

The Subject Lands possess significant front yard and exterior side yard setbacks, atypical to contemporary siting approaches for R1 zones. Opportunities for private resident amenity space have already been introduced within the front yard space, with an existing covered patio attached to the dwelling. A replacement deck, conformant with Town zoning could be introduced with a comparable size of 35 m², or replaced entirely with a much large at grade patio space. The reduction of rear yard space would pose no adverse impact to the neighbouring 1953 Saint Paul Road as the lot is currently vacant and any condition would be considered existing. Typical measures such as privacy fencing and landscaping could address typical overlook and noise issues.

The proposed rear yard setback of 1.5 metres was specifically proposed to ensure that the setback could mimic interior yard setback spacing typical for low-density residential construction. Properties to the south on Linden street and across the street at 1952 and 1948 Saint Paul Road have the familiar minimum 1.5 metre spacing established by the zoning by-law. The 1.5 metre spacing reads visually as an interior setback to the next adjacent lot and provides functional spacing from the existing dwelling and interior lot line to supply adequate maintenance access to the rear yard of the property

The intent of zoning regulations governing minimum lot area are to accommodate the types of structures planned for the zone and to establish a benchmark for neighbourhood character through the associated standardized frontage, setbacks, lot coverage, etc. The resulting effect is that lot area assists in regulating the overall density within a neighbourhood.

The attached Site Plan (Lot Configuration Plan) incorporates conceptual building envelopes to demonstrate the viability of typical single detached dwellings on each lot. The resulting lot at 1953 Saint Paul Road can be developed with a dwelling of a reasonable size, generally in keeping with other 11-12 metre wide dwellings in the surrounding neighbourhood.

Based on the above, the proposed minor variances are considered to meet the general intent of the Zoning By-law.

3.4.3 The Variances are Desirable for the Appropriate Development of Use of the Land

Will enable the proposed infill of the Subject Lands and would resolve a legal/technical conflict currently impeding planned residential intensification. Reinvestment through minor infill is expressly encouraged by the Official Plan under section 9.9.3, particularly where it is done so in a sensitive manner and where proposed in close proximity to essential services.

Reinvestment through minor infill is expressly encouraged by the Official Plan, wherein infill intensification is expressly encouraged “to the extent that servicing permits.” Alternative to



outright abandonment of the proposed intensification scheme or complete site redevelopment are gentler infill scenarios structured around the retention of structures and landscapes which contribute to surrounding neighbourhood characteristics. The enlarged yard setbacks, style of the existing bungalow, and presence of mature vegetation on 1015 Westmount Avenue are all elements that provide for a better transition to newer low density development of a different character to the south, along Linden Street.

The requested variance for rear yard setback on 1015 Westmount Avenue is intended to apply only the existing dwelling, and not leveraged against a future application to expand the potential building envelope of the lot at a future time. The Town may consider imposing a condition for the variance to only apply to the existing structure. Such a condition would be appropriate to ensure relief for rear yard setback does not contribute to future overdevelopment of the lot.

As outlined in section 4.1.1 of this report, while balancing important aesthetic concerns the variances have been minimized to the extent possible to make the gentler infill option possible. In other words, variances have not been proposed to boost lot coverage, dwelling GFA, or otherwise expand the available building envelope. The request is focused on maintenance of existing character and viability of compatible infill construction.

For the reasons above, the proposed variances are a desirable form of development for the Subject Lands.

3.4.4 The Variances are Minor in Nature

Both quantitative and qualitative assessments contribute to an understanding of whether a requested variance can be considered minor. Minor variances should always ensure the intended function of the zoning regulation is maintained. A variance should also only propose a change of scale that development that remains fit for its underlying zone category and would not otherwise be more appropriately be addressed by zoning by-law amendment.

The application for minor variance to Section 4.2.a at 1015 Westmount Avenue for rear yard setback requests a relief from the current minimum setback of 6.0 m to a proposed 1.5 m for the purposes of facilitating the lot line adjustment and establishing a legal rear yard setback condition for the existing dwelling.

The application for minor variance to Section 4.2.a at 1953 Saint Paul Road for lot area requests permission for a reduction from the current minimum lot area of 600 m² to a proposed 489.1 m². Relief from the minimum lot area requirement would facilitate the proposed lot line adjustment.

The proposed variances enable a form and scale of infill development which is comparable to a form approved in 2017, with matching net unit densities and lot count. While the adjustments result in changes to potential building spacing between 1015 Westmount and 1953 Saint Paul Road, the proposed rear yard setback adjustment references the regulations on interior side yard setbacks to protect for maintenance functions in the rear yard and to maintain and mirror



building spacing along this and surrounding streets in the neighbourhood to the south. Resulting lot frontages maintain or otherwise exceed minimum requirements of the zoning by-law, and are comparable to prevailing frontages in the surrounding streets. As proposed, the variances cannot be considered overdevelopment of the lot and can be considered complimentary to the existing built form of the neighbourhood.

The proposed variances are considered to be minor in nature.

4.0 Conclusion

The submitted applications for severance and minor variance have been prepared and submitted for the purposes of facilitating a resolution to the ongoing situation at 1015 Westmount Avenue.

It is my opinion that the minor variance applications passes the four tests as outlined in section 45(1) of the Planning Act and may justifiably be considered for approval. Upon their approval, the proposed request for lot line adjustment will ensure lot fabric at both 1015 Westmount and 1953 Saint Paul Road conforms to all aspects of the Zoning By-law. Section 53(1) of the Planning Act grants municipalities the power to grant consent to sever where “a plan of subdivision is not necessary for the proper and orderly development of the municipality.” Resolving the lot line conflict and bringing both lots into conformity with applicable policy and zoning regulation will restore order and represents proper and appropriate development for the lands.

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Attachments

Attachment 1 Reference Plan 51R-41437

Attachment 2 Site Plan (Lot Configuration Plan)



Planning Act

The authority for a municipality to grant a severance is derived from the Planning Act, R.S.O. 1990 c.P 13 (the “Planning Act”), under section 53(1), as follows:

(1) An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).

In consideration of a request for consent to sever, specific matters must be considered by the planning authority:

(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

Planning authorities are required, per section 2 of the Act, to have regard to, among other matters, matters of Provincial interest. The following matters of Provincial interest, categorized by topic, are relevant to the application:

(l) the protection of the financial and economic well-being of the Province and its municipalities

(p) the appropriate location of growth and development

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians

The proposed applications have the effect of enabling a comparable and previously approved residential infill scheme. The Subject Lands are located within a settlement area with a built-up boundary, with available full municipal servicing. Suitable intensification within such areas promotes the financial and economic well-being of the Province and its municipalities by making effective use of existing servicing and community infrastructure, supports the achievement of complete communities, and supports existing and potential active and multi-modal transportation initiatives within urban areas.

(n) the resolution of planning conflicts involving public and private interests

(h) the orderly development of safe and healthy communities



The registration parcels with lots lines bisecting an existing house prior to its demolition has introduced a legal and financial challenge for the Owner and ongoing planning conflict for the municipality. The Owner has prepared applications for the sole purpose of resolving the conflict and to permit a small-scale residential intensification scheme to proceed in the spirit of the 2017 severance application. The proposal also provides the municipality with an opportunity to disentangle prior administrative errors and to prepare the property for orderly and compatible infill development.

(r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

As expounded elsewhere in this report, the proposal outperforms the prior 2017 severance approval by permitting the existing structure and vegetation on 1015 Westmount Avenue to remain a contributing element of the surrounding stable residential neighbourhood, reinforcing the existing physical character of properties on Westmount and Sant Paul Road, and providing additional transition to newer homes south of the Subject Lands on Linden Street.

The authority for a municipality to grant a minor variance in respect of the land, building or structure or the use thereof, is derived from the Planning Act, under section 45(1), as follows:

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

Detailed analysis on the satisfaction of the four tests expressed by section 45(1) are submitted under section 3.4 of this planning justification report.

Provincial Policy Statement 2020

The Provincial Policy Statement 2020 (“PPS”) has been issued under Section 3 of the Planning Act, as amended. The PPS provides consolidated policy direction on matters of Provincial interest related to land use planning and development, taking a comprehensive, integrated and long-term approach to planning. The policies contained in the PPS give implementable direction



to the overarching vision for communities in Ontario which promotes long-term prosperity, human and environmental health, and social well-being. Where proposals are found to conform to applicable policies, residential intensification is expressly encouraged as part of Ontario's vision for long-term growth and prosperity.

The proposal has been reviewed against policies of the PPS in its entirety, per policy 4.2 of the PPS. All decision-making affecting a planning matter must be 'consistent with' with the policies of the statement, as per section 3(5)(a) of the Planning Act. The following analysis addresses those policies found to be relevant to the specific proposal.

Section 1 of the PPS describes the Provincial framework on managed growth, emphasizing sustainable development and efficient land use. Section 1.1.1 begins by providing planning authorities with direction on the appropriate management of land. As they relate to a small-scale residential intensification proposal, the following policies have been found to be applicable:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), [...] recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

The proposed severance and associated minor variance pertain to two properties within a primarily residential neighbourhood in the settlement of Alcona. As a technical severance (lot line adjustment) on a previously severed lot, the applications propose no disruption to the existing overall distribution and diversity of residential land uses, unit density, and underlying road and pedestrian connectivity established by the Town planning authority.

Sections 1.1.3.1 and 1.1.3.2 describe the role of settlement areas in accommodating planned growth and further provides principles around which development. The following excerpts are policies deemed to be applicable to this small-scale residential intensification proposal:

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources*



- b) *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 uneconomical expansion;*

The Subject Lands are located within Alcona, a Settlement Area as defined by the PPS, and are serviced by existing municipal sewer, water, and roadway infrastructure. On the matter of efficient use of municipal sewer infrastructure, section 1.6.6.2 further directs intensification and redevelopment to be promoted where feasible to optimize the use of services. The proposed lot line adjustment is technical, creating no new lots, however it serves to accommodate a less disruptive residential infill scenario as opposed to a complete site redevelopment option. The requested line adjustment and associated variances maintain the existing approved lot densities and planned effective use of public infrastructure.

Sections 1.1.3.4 and 1.1.3.5 direct for the incorporation of minimum targets for intensification within built up areas and the establishment of development standards to facilitate intensification and compact form, stating:

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where Provincial targets are established through Provincial plans, the Provincial target shall represent the minimum target for affected areas.

The rationale for residential intensification on the Subject Lands was demonstrated in 2017, at which time the parcels were initially approved and registered thereafter. Since that time, the Town has updated its Official Plan, introducing additional intensification supportive language. Though the application does not propose further lot creation, it does contemplate the execution of residential intensification through a gentler infill scenario with the retention of an existing structure and vegetation on a prominent corner lot. The proposed changes require site specific adjustments, however in my opinion they can be addressed through minor variance and introduce no risks to public health and safety.

In my opinion the proposal is consistent with all applicable policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe 2020

The Growth Plan for the Greater Golden Horseshoe 2020 (“Growth Plan” or “GP”), issued under section 3 of the Ontario Planning Act, provides a long-term strategic framework for regional growth and development and is used by planning authorities to guide investments, local land use policies, and decision making under the Planning Act.



The proposal has been comprehensively reviewed against the Growth Plan in a manner that recognizes it as an integrated policy framework, per policy 5.2.1.1. All decision-making affecting a planning matter must 'conform to' the policies of the Growth Plan, as per section 3(5)(b) of the Planning Act. The following analysis addresses those policies found to be relevant to the specific proposal.

Substantial growth is anticipated during the remaining 27 years of the Growth Plan's planning period, requiring strategic and sustained efforts to manage for more compact development, targeted growth areas, conserved environmental resources, and complete communities. Section 2.2.1.1 establishes population and employment forecasts for single tier and upper tier municipalities under Schedule 3 of the Plan, with the County of Simcoe receiving 555,000 population to 2051. General section 2.2.1.2.a further directs:

2.2.1.2.a the vast majority of growth will be directed to settlement areas that:

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

More specific direction on growth management within the Simcoe Sub-area is provided in section 6.2 and 6.3 which directs for a significant portion of population growth to be directed to lower-tier municipalities that contain Primary Settlement Areas and for Official Plans to identify and plan for the achievement of complete communities and ensure the development of high quality urban form within Primary Settlement Areas.

The Subject Lands are within a settlement area as defined by the Growth Plan and listed as a Primary Settlement Area within Schedule 8 of the Growth Plan. The properties are within the delineated built boundary of Alcona, a settlement area with targeted complete community official plan policies. Each lot has access to existing municipal water and wastewater systems. Though the application does not propose additional lots and units, the application does enable a gentler infill development scenario that will contribute to Innisfil's intensification target of 33% of new residential units occurring annually within delineated built-up areas.

The proposal is considered to conform to the provisions of the Growth Plan.

Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan ("LSPP"), issued under section 3 of the Ontario Planning Act, expresses the Province's interest and direction with regard to protecting the ecological health and environmental sustainability of the Lake Simcoe watershed. The proposal has been comprehensively reviewed against the Lake Simcoe Protection Plan and in conjunction with relevant Provincial policies, plans and Act. All decision making affecting a planning matter must:

- conform to the Lake Simcoe Protection Plan policies per section 3(5)(b) of the Planning Act; and,



- conform with designated policies set out in the plan and have regard to other policies set out in the plan per section 6(1) of the Lake Simcoe Protection Act.

Further, where any conflict arises between a designated policy in this plan and another Provincial policy, the provision that provides the greatest protection to the ecological health of the Lake Simcoe watershed prevails. The following analysis addresses those policies found to be relevant to the specific proposal.

An application for development within a settlement area within the LSPP plan area is subject to settlement area policies, as well as all other applicable policies of the plan. The Subject Lands are not within 120 m of any identified significant groundwater recharge areas or highly vulnerable aquifer, a key natural heritage feature, or a key hydrologic feature. Therefore, policies requiring natural heritage evaluation or establishment of buffers would not be applicable.

The proposal is conformant to the Lake Simcoe Protection Plan.

County of Simcoe Official Plan

The Official Plan of the County of Simcoe (“COP”) provides a coordinated policy framework for approval of lower-tier local municipal official plans, official plan and zoning by-law amendments, and applications for subdivision of land. The plan has been designed to accommodate a projected rapid growth scenario per Growth Plan directives, while delivering safe, healthy, and complete communities.

In alignment with Provincial policy, the COP directs development to occur in serviced settlement areas to support economical servicing and achievement of complete communities, stating:

3.1.1 Direction of a significant portion of growth and development to settlements where it can be effectively serviced, with a particular emphasis on primary settlement areas.

3.2.3 The majority of population and employment growth will be directed to settlement areas with particular emphasis on primary settlement areas. Municipalities with primary settlement areas will direct a significant portion of population and employment growth forecasted to the applicable primary settlement areas. A proportion of new growth will be accommodated through intensification according to the targets set out in Section 3.5. The primary settlement areas will develop as complete communities. [...]

3.2.4 The majority of population and employment growth will be directed to settlement areas with full municipal water services and municipal sewage services. [...]

3.5.8 Settlement areas shall be the focus of population and employment growth and their vitality and regeneration shall be promoted.

The proposed application affects lands within a fully serviced area in the settlement of Alcona, identified as a Primary Settlement Area under Part 5 Table 5.1 of COP.



Residential intensification targets are supplied in policy 3.5.25, establishing a minimum 33% intensification of all new residential units occurring annually to contribute to a compact development form. Though the application does not result in additional lots or units, it does resolve a legal/technical conflict currently impeding planned residential intensification on the property.

General development policies are provided in section 3.3, applying the Subject Lands as with all other land use designations. The following policies are found to be relevant to the request for technical severance (lot line adjustment):

3.3.2 Subdivision of land by plan of subdivision or consent, or plans of condominium, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies.

3.3.4 Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities. [...]

3.3.5 Consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, Provincial policies and legislation.

3.3.7 Development, including lot creation, is discouraged outside of but adjacent to, or in close proximity to settlement area boundaries in order to enable the efficient expansion of settlement areas. [...]

The proposed severance (lot line adjustment) application meets the definition of technical severance, as referenced in policy 3.35 and expressly defined in section 5.8 as “severances for purposes such as [...] minor boundary adjustments, which do not result in the creation of a new lot”. The proposed line adjustment does not alter the original residential use underlying the original severance in 2017 and maintains frontage to the public highway.

The proposal has regard for, and is consistent with, the policies of the County of Simcoe Official Plan.

Town of Innisfil Official Plan

The adoption of the Town of Innisfil Official Plan - Our Place (“Our Place”) in 2018 introduced a significant shift in land use and community planning for the Town. Our Place responds to the pressures of rapid population growth, modernization, and environmental conservation prompted by strengthened Provincial policy direction from the Lake Simcoe Protection Plan and Growth Plan for the Greater Golden Horseshoe. In addition to providing a framework for growth management among its eight settlement areas, agricultural lands, and environmental areas, the



plan presents a wholly new formulation for community development, identity building, and land use planning through embedded principles of placemaking.

In alignment with upper tier and Provincial plans and policies, Our Place provides a framework for growth and intensification in its settlement areas, stating:

9.1 The Official Plan sets out a settlement area hierarchy consisting of Primary Settlement Areas, Urban Settlement Areas, Villages and Hamlets. Alcona is a Primary Settlement Area and will be the primary focus for growth. [...]

9.2.3 Alcona will develop as a complete community with a compact urban form that promotes the efficient use of land and with densities and land use patterns supportive of transit service.

9.9.1 We shall plan to achieve a minimum intensification target of 33 per cent of all new residential units occurring annually within the delineated built-up areas, or an alternative target as specified by the County of Simcoe.

9.9.2 Infill and intensification are encouraged and will be directed to the delineated built-up areas of Alcona and Cookstown to the extent that servicing permits.

Full municipal servicing is available and the property is within a delineated built-up area of Alcona. Though the applications themselves do not contribute to population and dwelling unit growth, approval of the proposal would serve to enable a comparable residential intensification outcome as approved in 2017. Unlike the 2017 approval, the proposal contemplates a gentler infill scenario and serves to eliminate the current legal/technical barrier to the construction of the additional dwelling on 1953 Saint Paul Road.

Policies related to the Town's intensification strategy are supplied in section 9.9, which apply to a broad range of intensification scenarios. The relevant policies state:

9.1.3 Urban design guidelines shall be prepared for each settlement area, which will provide direction on how built form and streetscape design can maintain local character and promote a sense of place for the residents in that community.

9.9.4 We shall protect and maintain stable residential neighbourhoods from infill, intensification and built form, which is out of keeping with the physical and heritage character of those neighbourhoods.

9.9.5 In considering applications for infill and intensification including application for rezoning, minor variance and consent within a stable residential neighbourhood, we shall assess the ability of the development to fit in, respect and reinforce the physical character of buildings, lot patterns, streetscapes and private open space patterns.



9.9.6 *In evaluating the ability of applications to fit in, respect and reinforce the character of the stable neighbourhood, we shall only approve development that maintains the character of the adjacent area including:*

- i) the size and configuration of lots;*
- ii) the prevailing heights, massing, coverage and dwelling type;*
- iii) the prevailing setbacks of buildings from the street;*
- iv) the prevailing patterns of rear and side yard setbacks and the amount and location of private open space on a lot;*
- v) the location and predominance of garages;*

To date, urban design guidelines have not been published by the Town of Innisfil pertaining to established residential areas in Alcona. Note the policies above could be invoked to manage a range of potential intensification proposals: from substantive block scale site redevelopment proposals in transitioning high density and strategic growth areas with the support of official plan and rezoning applications, to subtler and less disruptive single lot-scaled infill scenarios like those proposed by the applicant. Despite their broad scope, policies 9.9.3 - 9.9.6 contain the most detailed guidance and criteria available in carrying out small-scale residential infill.

The proposed lot line adjustment and minor variance applications would enable the existing structure and vegetation on 1015 Westmount Avenue to remain a contributing element of the surrounding stable residential neighbourhood, reinforce the existing physical character of properties on Westmount and Saint Paul Road, and provide additional transition to newer homes south of the Subject Lands on Linden Street, constructed during the Alcona settlement area expansions of the 1990s. The distinctive front yard setbacks, lot sizes and configurations, and availability for private open space found on lots along Saint Paul Road and Westmount Avenue is further explored in section 4.1.1 of this report. It is my conclusion at the outset of that analysis, that status quo site redevelopment is less in keeping with surrounding neighbourhood character and the requested lot line adjustment and relief from the bylaw will contribute to a more compatible and respectful intensification scenario.

Closely related to the above and giving effect to Our Place's emphasis on place making, section 2.3 requires:

2.3 [...] All proponents of development applications in Innisfil must consider how their proposal contributes to sense of place through the implementation of the four principles of place making. Likewise, we shall evaluate all development applications [...] in the context of these place making principles.

The requested severance (lot line adjustment) and minor variance applications do not align with Our Place's definition of development under section 23.3.27, however through the lens of place making the requests modify and give latitude for the infill development to take place in a manner



more in keeping with the existing sense of place than previously proposed. Strategy four in section 2.2 of Our Place speaks to role of urban design in creating or maintaining a sense of place. The related section 2.3 suggests that by considering and evaluating development proposals through the principle of “comfort and image” a proposal can contribute to the maintenance of a distinct community identity. The proposal provides an opportunity to apply this primary focus on place making, by better responding to the surrounding urban fabric and distinct historical cottage community aesthetic:

- maintaining a more traditional building siting on a prominent Saint Paul Road and Westmount Avenue corner lot, reflecting and maintaining the larger front and exterior side yard setbacks along those roadways (Fig 1, below) and providing a transition from this distinct area to more recently subdivided areas to the south (Fig 2, below).
- Preserving mature vegetation characteristic of parts of old Alcona constructed prior to the settlement expansions of the 1990s (Fig 1, below) within the front and exterior side yards, allowing the infill development on 1953 Saint Paul Road to take place without significant disturbance typically associated with complete site redevelopment and modern construction.

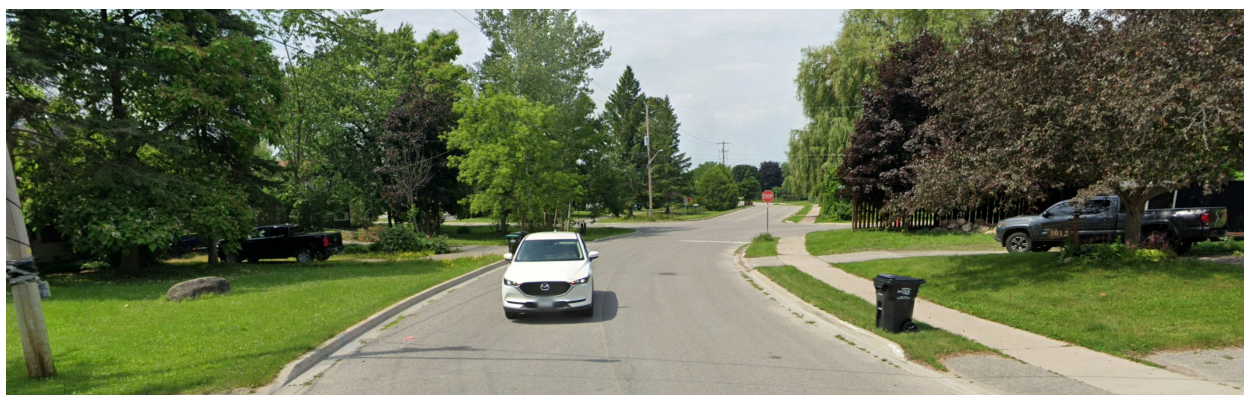


Figure 1 View west along Westmount Avenue, showing more vegetation and larger front yard setbacks, characteristic of older, ‘cottage’ character neighbourhoods of old Alcona.



Figure 2 View west along Linden Street, demonstrating subdivision character immediately south of the Subject Lands from the 1990s, with reduced lot size, regularized setbacks, and front yard manicured landscaping.



The Subject Lands are designated Residential Low Density 1 on Schedule B1 Land Use: Alcona. Residential low density designation policies under section 10.2 recognize primarily existing low density residential developments and generally seek the ongoing maintenance of existing residential character. Two residential policies associated with this designation are relevant to the applications:

10.2.4 The maximum permitted density of the Residential Low Density One area shall be 13 units per net hectare and the minimum permitted density shall be 10 units per net hectare.

The proposed applications request no change to net densities previously approved under the 2017 severance applications (B-038-17 and B-039-17).

10.2.11 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 bylaw, 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 250 meters.

The purpose and intent of policy 10.2.11 is to regulate the creation of new parcels on existing oversized lots by ensuring that lot sizing and configuration adhere to specific zoning criteria. The proposed technical severance does not alter the number of lots, partially satisfying the Plan's definition for severance on "legal or technical reasons" under section 23.3.73. Therefore, the proposal should not trigger the subdivision criteria outlined in Policy 10.2.11. The policy's provisions regarding minimum lot area, related lot area variance limits, and frontage consistency are technically not relevant where the fundamental lot count remains unchanged. However, as best practice and to satisfy the tests for minor variance related to a request for relief from minimum lot area, applications affecting lot area do demand, and benefit from, a consideration of contextual lot fabric to ensure decisions take into account the potential impact of lot line changes on surrounding character and avoid significant divergences in lot area within established residential areas. Detailed analysis related to this matter is supplied in sections 4.1.1 and 4.3 of this report.

The proposal has regard for, and is consistent with, the applicable policies of the Town of Innisfil Official Plan.

Town of Innisfil Zoning By-law

The lands are subject to Zoning By-law 080-13, which applies the zone category Residential 1 Zone (R1) to the Subject Lands per Schedule A Map 39.

Permitted uses within the R1 zone are listed within Table 4.1 - Permitted Uses, which allow:

- group home
- public uses
- single detached dwelling
- accessory buildings and structures (subject to use provisions in the general provisions of By-law 080-13)



- accessory dwelling unit
- deb and breakfast (subject to use provisions in the general provisions of By-law 080-13)
- home occupation (subject to use provisions in the general provisions of By-law 080-13)
- pet day care establishment

The existing structures at 1015 Westmount Avenue and 1953 Saint Paul Road include a single detached dwelling and accessory (attached deck) south of the principal structure. At the time of application for severance in 2017, a small accessory structure (shed) was present but has since been removed. The applicant intends to, and volunteers as condition of approval, to demolish the accessory attached deck structure as a condition of approval for the requested lot line adjustment and minor variance applications.

A full account of zoning standards for the R1 zone can be found within Table 4.2.a – Zone Regulations. The following are applicable excerpted standards for both 1015 Westmount and 1953 Saint Paul Road as reflected in the proposed application:

Table 2 Applicable Excerpted Zone Regulations for 1015 Westmount Avenue

Zone Regulation	Requirement	Existing (Proposed)
Minimum Lot Area	600 m2 (min)	633.8 m2 (proposed 761.3 m2)
Minimum Rear Yard	6 m (min)	n/a due to existing lot line conflict (request for minimum 1.5 m)

Table 3 Applicable Excerpted Zone Regulations for 1953 Saint Paul Road

Zone Regulation	Requirement	Existing (Proposed)
Minimum Lot Area	600 m2 (min)	605.6 m2 (requested 489.1 m2)

Assessment of appropriateness of the requested variances and consideration of the four tests for minor variance under section 45(1) of the Planning Act are supplied in section 4.3 of this planning justification report.