

Summary of Comments

B-006-2024 – 1015 Westmount Ave,

A-027-2024 – 1953 St Paul Rd &

A-028-2024 – 1015 Westmount Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-006-2024
ASSOCIATED FILES: A-027-2024 and A-028-2024
MEETING DATE: August 15, 2024
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas, Development Planner
SUBJECT: Lot boundary adjustment between 1015 Westmount Ave and 1953 St Paul Rd.

PROPERTY INFORMATION:

Municipal Address	1015 Westmount Avenue and 1953 St Paul Rd
Legal Description	PLAN 1378 PT LOT 36 RP 51R41437 PART 1 and PLAN 1378 PT LOT 36 PT BLK E RP 51R41437 PART 2
Official Plan	Residential Low Density 1 (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-006-2024, subject to the following condition(s):

- 1.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town, for the lot boundary adjustment. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.
- 2.) That the severed lands merge with the adjacent lands to the south known municipally as 1953 St Paul Rd.
- 3.) That Minor Variance Applications A-027-2023 and A-028-2023 are approved.
- 4.) That the existing deck be demolished.
- 5.) That a planting plan showing adequate vegetative screening at the rear lot line of the retained lands be provided to the satisfaction of the Planning Department.

REASON FOR APPLICATION:

The subject lots were created as a result of two approved severance on June 15, 2017 (B-038-2017 and B-039-2017). These severances were approved subject to a new building envelope; with the understanding that the existing home located on 1015 Westmount would be demolished.

The applicant is now proposing a lot boundary adjustment with the goal of keeping the existing home which is currently non-complying due the previously approved severances. The proposed lot boundary adjustment will result in the transfer of 116.5m² of residential land from 1005 Westmount Avenue to 1953 St Paul Rd.

SURROUNDING LANDS:

North	Westmount Ave and single-detached dwellings
East	Single-detached dwelling
South	Single-detached dwelling
West	St Paul Rd and single-detached dwellings

ANALYSIS:

Site Inspection Date	August 1, 2024
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the Primary Settlement Area of Alcona (Schedule B1) and are subject to the settlement area policies of the PPS. There is no lot being created as this is a lot boundary adjustment. Section 1.6.6.2 states that “within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p> <p>Both properties already have existing municipal sewer services. The proposal will have no impact on current infrastructure use and does not require any expansion to accommodate the proposal. As such, the application is considered to be consistent with the PPS, subject to the proposed conditions.</p>
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the Primary Settlement Area of Alcona. Staff note the Provincial Growth Plan encourages intensification within the delineated built-up area. The subject lands are within this area. Since the proposed application would not result in the creation of a new lot, are not considered to adversely impact neighbouring residential lands, and would not introduce new land uses as the residential use would remain, the application is consistent with the Growth Plan policies, subject to the proposed conditions.</p>
Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Since the subject lands are within a settlement area, settlement area policies 6.32 to 6.34 of the LSPP apply. The subject lands have existing municipal sewer services and municipal water services, which will have no impacts associated with the quality and quantity of urban run-off into receiving streams, lakes, and wetlands. Further as a lot boundary adjustment, the proposal does not result in the creation of a new lot and is therefore not considered ‘development’ under the LSPP. As such, the application is considered consistent with the LSPP.</p>
Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Settlements on Schedule 5.1 to the County of Simcoe Official Plan.</p> <p>Section 3.3.5 states 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 the County of Simcoe Official Plan, Provincial policies and legislation. The definition of legal or technical reasons in the</p>

	<p>County Official Plan includes minor boundary adjustments, which do not result in the creation of a new lot. The proposal conforms to the County of Simcoe Official Plan.</p>
<p>Conforms to the Town of Innisfil Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated Residential Low Density 1 on Schedule B1 of the Town of Innisfil Official Plan. Section 10.2.2 lists the permitted uses in the Residential Low Density 1 designation, which includes single detached dwellings. The lands are located within the Urban Settlement Area of Alcona.</p> <p>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 250m. The proposed lot boundary adjustment will not result in the creation of a new lot. Both lots are proposed to comply with the minimum lot frontage. A 19.2% variance will be required to address a deficient lot area of 489.1m² (A-027-2024) The proposed variance for the rear yard setback (1.5m, A-028-2024) is greater than 20% however the intent of the 20% variance is intended to relate to minimum lot area and frontage, as the policy is relating to ensuring consistent lot size on a street. This is how the Official Plan policy has been interpreted in previous applications.</p> <p>The severed and retained lands meet the minimum lot frontage requirements of the zoning by-law. The frontages proposed are considered consistent with the average frontage on the same street within 250m and would not be out of character. Therefore this policy is met by the proposed consent application.</p> <p>Since the lot boundary adjustment will not result in the creation of a new lot, meet section 10.2.11 of the OP and conform to the permitted uses in the designation, the application is considered in conformity with the Town of Innisfil Official Plan.</p>
<p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To Be Determined</p>	<p>The subject lands are zoned “Residential 1 (R1) Zone” in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 15m lot frontage and minimum 600m² lot area. Both severed and retained lots will remain residential and do comply with the minimum required lot frontage for the R1 zone. However, variances will be required for minimum rear yard setback and minimum lot area. The proposed boundary adjustment will result in an approximate lot area of 489.1m²; which will require a 19.2% variance. The deficient lot area is still large enough to accommodate a building envelope while maintaining property setbacks and providing adequate outdoor amenity space</p> <p>The proposed boundary adjustment will result in a deficient rear yard setback of 1.5m. The purpose of the rear yard setback is to provide adequate outdoor amenity space in the backyard and to alleviate any privacy concerns. Given the location of the existing house, ample amenity space is provided in the front yard. A condition requiring</p>

	vegetative screening will address any privacy concerns in the back yard. Considering the above, and given the location of the existing house, and best efforts to provide a rear yard setback through the demolition of the deck, it is staff's opinion that the proposal does maintains the purpose and intent the Town's Zoning By-Law.
Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.

CONCLUSION:

The Planning Department recommends approval of application B-006-2024, subject to the proposed conditions.

PREPARED BY:

Toomaj Haghshenas
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: A-027-2024 & A-028-2024
RELATED APPLICATION: B-006-2024
MEETING DATE: August 15, 2024
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas, Development Planner
SUBJECT: Minor variance applications A-027-2024 and A-028-2024 seeking relief from Table 4.2a of Zoning By-law No. 080-13 for a deficient minimum rear yard setback and a deficient minimum lot area.

PROPERTY INFORMATION:

Municipal Address	1015 Westmount Avenue and 1953 St Paul Rd
Legal Description	PLAN 1378 PT LOT 36 RP 51R41437 PART 1 and PLAN 1378 PT LOT 36 PT BLK E RP 51R41437 PART 2
Official Plan	Residential Low Density 1 (Schedule B1)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-027-2024 and A-028-2024 subject to the below conditions:

1. That consent application B-006-2024 be approved with all conditions.
2. That a 1.5m rear yard setback only apply to the existing dwelling and any new development be subject to the standard 6m rear yard setback requirement.

REASON FOR APPLICATION:

An associated lot boundary adjustment is being proposed at 1015 Westmount Ave which will result in a deficient rear yard setback of 1.5 m for the existing home at 1015 Westmount Ave, and a deficient lot area of approximately 489.1 m² at 1953 St Paul Rd.

Application Number	By-law Section	Requirements	Proposed	Difference
A-027-2024	4.2 a)	- 600 m ² lot area	489.1m ²	- 110.9 m ²
A-028-2024	4.2 a)	6m minimum rear yard setback	1.5m	- 4.5m

SURROUNDING LANDS:

North	Westmount Ave and single-detached dwellings
East	Single-detached dwelling
South	Single-detached dwelling
West	St Paul Rd and single-detached dwellings

ANALYSIS:

Site Inspection Date	August 1, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are designated Residential Low Density 1 on Schedule B1 of the Town of Innisfil Official Plan. Section 10.2.2 lists the permitted uses in the Residential Low Density 1 designation, which includes single detached dwellings. The lands are located within the Urban Settlement Area of Alcona.</p> <p>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 250m. The proposed lot boundary adjustment will not result in the creation of a new lot. Both lots are proposed to comply with the minimum lot frontage. A 19.2% variance will be required to address a deficient lot area of 489.1m² (A-027-2024). The proposed variance for the rear yard setback (1.5m, A-028-2024) is greater than 20% however the intent of the 20% variance is intended to relate to minimum lot area and frontage, as the policy is relating to ensuring consistent lot size on a street. This is how the Official Plan policy has been interpreted in previous applications.</p> <p>The severed and retained lands meet the minimum lot frontage requirements of the zoning by-law. The frontages proposed are considered consistent with the average frontage on the same street within 250m and would not be out of character. Therefore this policy is met by the proposed consent application.</p> <p>Since the lot boundary adjustment will not result in the creation of a new lot, meet section 10.2.11 of the OP and conform to the permitted uses in the designation, the application is considered in conformity with the Town of Innisfil Official Plan.</p>
Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are zoned “Residential 1 (R1) Zone” in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 15m lot frontage and minimum 600m² lot area. Both severed and retained lots will remain residential and do comply with the minimum required lot frontage for the R1 zone. However, variances will be required for minimum rear yard setback and minimum lot area. The proposed boundary adjustment will result in an approximate lot area of 489.1m²; which will require a 19.2% variance. The deficient lot</p>

	<p>area is still large enough to accommodate a building envelope while maintaining property setbacks and providing adequate outdoor amenity space</p> <p>The proposed boundary adjustment will result in a deficient rear yard setback of 1.5m. The purpose of the rear yard setback is to provide adequate outdoor amenity space in the backyard and to alleviate any privacy concerns. Given the location of the existing house, ample amenity space is provided in the front yard. A condition requiring vegetative screening will address any privacy concerns in the back yard. Staff note the overall rear yard space provided is about 74m² and the easternmost portion of the existing dwelling would exceed the 6m setback requirement (about 6.4m) (the westernmost rear corner requires the 1.5m variance). A lot with 12m frontage and a 6m rear yard setback would yield a 72m² rear yard area, and with 7.5m rear yard setback would yield 90m², so the proposed rear yard, while small, is not inconsistent with the area found on other lots within Innsifil.</p> <p>Considering the above, and given the location of the existing house, and best efforts to provide a rear yard setback through the demolition of the deck, while maintaining a severed lot with less than 20% variance to lot area and meeting the lot frontage requirement of 15m, it is staff's opinion that the proposal does maintains the purpose and intent the Town's Zoning By-Law.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The proposed lot area variance is within the 20% range of the Official Plan, and results in a lot that maintains a 15m frontage on the street. The 1.5m rear yard variance would only be allowed to apply to the existing dwelling; any new redevelopment would require adherence to the 6m. . The variances will permit an existing dwelling to remain with a reduced rear yard setback. Best efforts have been made to provide a rear yard setback through the demolition of the existing deck. The rear yard, while irregular in shape, would still have 74m² of amenity space. In the opinion of Staff, the variance is considered desirable for appropriate/orderly development of the land, subject to the recommended condition.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion the variance is considered minor in nature, subject to the conditions and considering the context. The overall rear yard amenity space would be about 74m², and the variance would only apply to the existing dwelling. Any new development would be required to adhere to the standard 6m rear yard setback. A planting plan is required as a condition of B-006-2024 to reduce privacy impacts.</p>

CONCLUSION:

The Planning Department recommends approval of application A-027-2024 and A-028-2024, subject to the recommended condition.

PREPARED BY:

Toomaj Haghshenas
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: August 8, 2024

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

FILE/APPLICATION: B-006-2024

SUBJECT: 1015 Westmount Ave

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

1. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of Community Development Standards Branch (Building Department).

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. The proposed property line may impact the spatial separation requirements regarding the existing unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: August 8, 2024

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

FILE/APPLICATION: A-027 & 028-2024

SUBJECT: 1015 Westmount Ave. and 1953 St. Paul Rd.

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

1. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of Community Development Standards Branch (Building Department).

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. The proposed property line may impact the spatial separation requirements regarding the existing unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).



Engineering

MEMORANDUM TO FILE

DATE: August 5, 2024

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

FILE/APPLICATION: B-006-2024

SUBJECT: 1015 Westmount Avenue

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. Should any development occur, it can be subject to site plan control.

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.



MEMORANDUM TO FILE

DATE: August 9, 2024

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-006-2024 1015 Westmount Ave

SUBJECT: Severance Application for 1015 Westmount Ave – InnServices Comments and Conditions

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. It appears that with the proposed lot line between Part 1 and Part 2, the existing water service lateral will be located on Part 2. Therefore, prior to severance occurring, the existing water service located on Part 2 will need to be cut and capped at property line. A new water service lateral, from the existing municipal watermain to property line will be required for Part 1. This new service lateral will need to be constructed prior to Certificate of Official for the proposed severance.
2. It appears that with the proposed lot line between Part 1 and Part 2, the existing sanitary service lateral will be located on Part 1. Therefore, prior to severance occurring, a new sanitary service lateral, from the existing municipal sanitary main to property line will be required for Part 2. This new service lateral will need to be constructed prior to Certificate of Official for the proposed severance.
3. 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 Part 1 and Part 2, complete with the applicable Additional Service Connection Application fees.
4. 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.
5. 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.

6. 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 temporarily abandon the existing water service located on the Part 2 to the satisfaction of InnServices.
2. That the Owner/Applicant construct additional water and sanitary service laterals for Part 1 and Part 2 to the satisfaction of InnServices.