

Summary of Comments

A-035-2024 – 1291 Shore Acres Dr



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-035-2024
MEETING DATE: September 19, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-035-2024 seeking relief from Section 3.30.1(b) of Zoning By-law to allow four (4) demonstration units on site where a maximum of three (3) demonstration units are permitted.

PROPERTY INFORMATION:

Municipal Address	1291 Shore Acres Drive
Legal Description	CON 15 PT LOTS 21 & 22 RP 51R25011 PT PART 1
Official Plan	Hamlet Residential (Schedule B10)
Zoning By-law	Residential 1 Exception Hold (R1-51 (H))

RECOMMENDATION:

The Planning Department recommends approval of A-035-2024, subject to the following conditions:

- a) That the variance only apply to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.
- b) That the demonstration units be contained with no access to the rest of the site, with dedicated access separate from construction access.
- c) That the demonstration units shall comply with all applicable terms and conditions of the required demonstration unit agreement.

Application Number	By-law Section	Requirements	Proposed	Difference
A-035-2024	3.30.1(b)	- 10% of the number of lots on the draft approved plan of subdivision (3 Demonstration Units)	4 Demonstration Units	+1 Demonstration Unit

REASON FOR APPLICATION:

This application is associated with an approved Draft Plan of Subdivision (D12-2017-002) consisting of 33 residential lots. The applicant is proposing to construct four 'demonstration units' (model homes with no sales office inside) within the boundary of the approved Draft Plan of

Subdivision. The applicant is seeking relief from Section 3.30.1(b) of the Zoning By-law which permits a maximum of 10% of the number of lots on the draft approved plan of subdivision. In this instance, the maximum allowed number of model homes / demonstration units is three given the 33 lot subdivision.

SURROUNDING LANDS:

North	Shore Acres Drive, Single-detached dwellings and Golf Course
East	Single-detached dwellings
South	Single-detached dwellings
West	Single-detached dwellings, Railway

ANALYSIS:

Site Inspection Date	September 4, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are located within the Settlement Area of Gilford. The subject lands are designated Hamlet Residential in the Town Official Plan (Schedule B10). The Hamlet Residential designation permits single detached dwellings which are proposed as part of the approved Draft Plan of Subdivision (D12-2017-002). As per section 14.3.4 of the Official Plan, a condition of the Draft Plan of Subdivision requires a minimum 25% of units to be constructed to accommodate future Accessory Dwelling Units (ADUs).</p> <p>Section 14.3 of the Official Plan includes policies that promote development that provides affordable and accessible housing which includes ADUs. The proposed demonstration units would demonstrate an opportunity for more affordable housing options through future ADUs, and increase the housing diversity within the Town which in general is consistent with the purpose and intent of the Town’s Official Plan.</p> <p>The proposal would also promote a managed level of growth within a settlement area which aligns with the Goals listed in section 1.3 of the Official Plan and facilitate the development of the draft approved subdivision.</p> <p>Staff have no objections to the proposed single additional demonstration unit which in general meets the purpose and intent of the 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 Exception Hold (R1-51(H)) Zone. The demonstration units will be constructed in the R1-51 Zone which permits single-detached dwelling and accessory structures.</p> <p>Section 3.30.1(b) of the Zoning By-law states that one or more model homes or demonstration units, to a maximum of six (6) or 10% of the number of lots on the draft approved plan of subdivision, whichever is less, may be constructed within the boundaries of the draft approved plan of subdivision. The approved Draft Plan of Subdivision contains 33 lots; meaning a maximum of three demonstration units (10% of lots) is permitted within the boundaries of the Plan of subdivision. The applicant is seeking relief of this provision to allow for an additional demonstration unit on site for a proposed total of four</p>

	<p>demonstration units.</p> <p>The purpose and intent of Section 3.30.1 of the Zoning By-law with respect to a maximum number of demonstration units is to limit the number of demonstration units that can be constructed within a subdivision, as the intent of a demonstration unit or model home is to provide a small sample of offerings within a given development prior to final approval and registration of the subdivision, where permits are issued for the individual homes. In this case with the variety of homes proposed, Staff have no objection to allowing 4 demonstration units to showcase homes proposed on the 33 lots that are draft approved within the subdivision.</p> <p>All other provisions of the Zoning By-law are met.</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 applicant is proposing to construct four demonstration units within the boundary of an approved Draft Plan of Subdivision.</p> <p>Given the size of the site, and the standard nature of the proposed development, staff consider the variance desirable and appropriate for the use of the land, subject to the proposed conditions. A Demonstration Unit Agreement is required to be entered into which includes occupancy and ownership, urban design, planning, building, indemnity, insurance, grading, and other conditions, which is standard for model homes/demonstration units for subdivisions in Innisfil.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Given that the variance request is for only one additional demonstration unit with a proposed total number of demonstration units being under six, and it is intended to show a variety of housing models within the subdivision, staff are of the opinion the requested variances are considered minor subject to the proposed conditions.</p>

PREPARED BY:

Toomaj Haghshenas,
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: September 13, 2024

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

FILE/APPLICATION: A-035-2024

SUBJECT: 1291 Shore Acres Drive

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

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

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

1. No comments.



Engineering

MEMORANDUM TO FILE

DATE: September 9, 2024

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

FILE/APPLICATION: A-035-2024

SUBJECT: 1291 Shore Acres

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

1. No comment.

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

1. No comment.



Sent via e-mail: thaghsheenas@innisfil.ca

September 19, 2024

Municipal File No.: A-033-2024
LSRCA File No.: VA-119171-090424

Toomaj Haghshenas
Development Planner
2101 Innisfil Beach Road
Town of Innisfil, L9S 1A1

Dear Toomaj,

Re: Application for Minor Variance
1291 Shore Acres Drive
Town of Innisfil
Owner: Nicky Balazs and Joanne Corner
Applicant: Sketch Design Build (Matt Reid)

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is proposing to construct four (4) model homes for a future subdivision. The Applicant/Owner is seeking relief from the following section of the Town of Innisfil Comprehensive Zoning By-law 080-13, as amended:

- Relief from Section 3.30.1 (b) which limits the number of model homes permitted to a maximum of three (3) where the applicant is requesting an increase to a maximum of four (4).

Documents Received and Reviewed by Staff

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

- Minor Variance Application (dated August 21, 2024)
- Survey prepared by Rudy Mak Surveying Ltd. (dated April 19, 2023)
- Site plan prepared by Hunt Design Associated Inc. (August 14, 2024)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

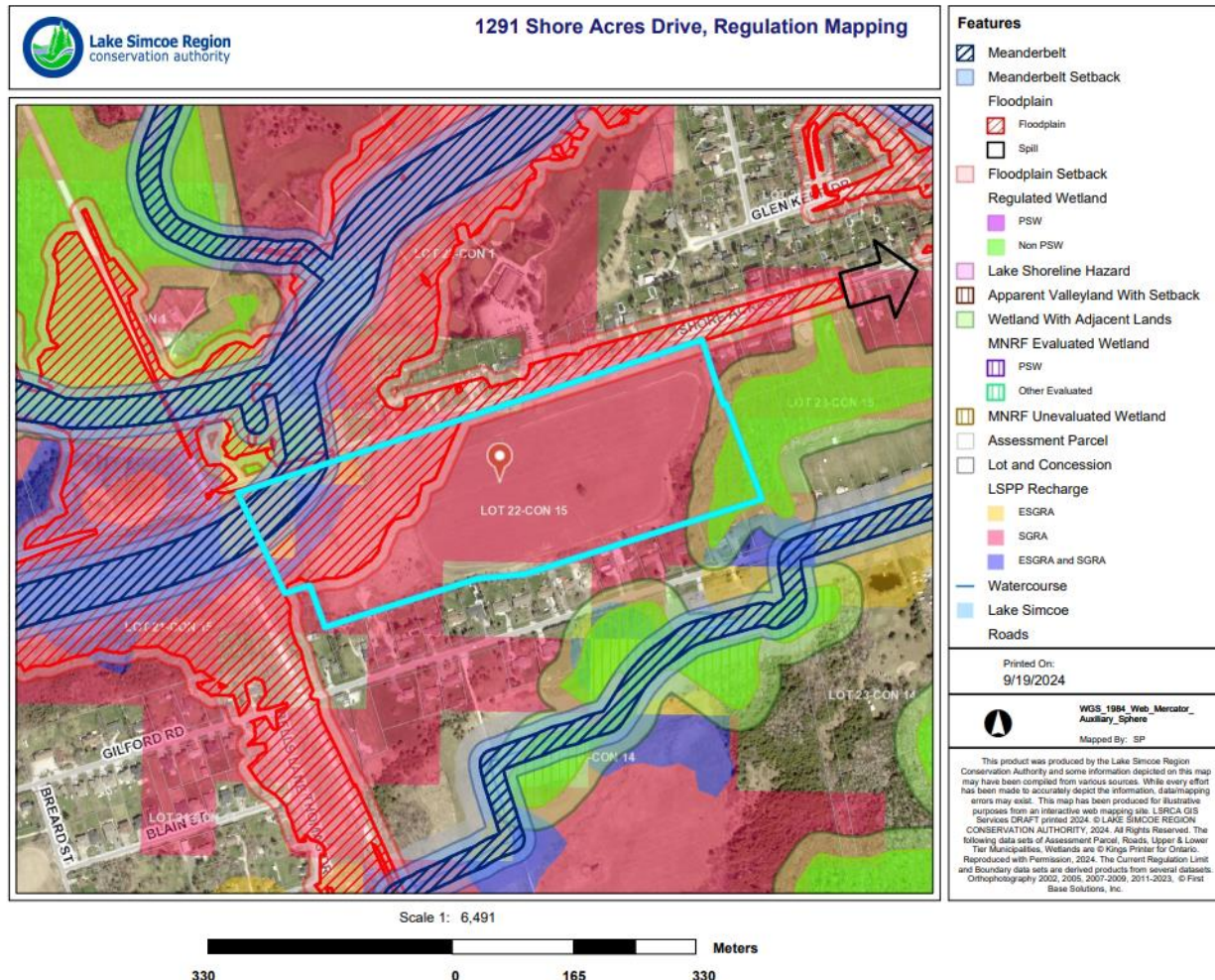
Based on our review of the submitted information in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for Minor Variance.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

Site Characteristics

The subject land is approximately 139,129 square metres (13.9 hectares) in land area and is located east of Gilford Road and south of Shore Acres Drive within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the 'Residential One Exception 51 (H)' [R1-51(H)] as per the Town of Innisfil's online mapping.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for Watercourse and associated erosion and flood hazards. Please see a detailed regulatory map below.
- The subject property is located within a completed watershed or sub-watershed study area – Innisfil Creeks Subwatershed Plan.
- The subject property is within a Significant Groundwater Recharge Area (SGRA) and an Ecologically (ESGRA).



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). There are identified natural hazards on the subject lands (floodplain, erosion hazard area). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.

The proposed development appears to be located outside of LSRCA’s regulated area therefore, LSRCA has no concerns with proposed application for Minor Variance application.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on

these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Ontario Regulation 41/24 applies to a portion of the subject property. It appears that the proposed development will be located outside the regulated area, therefore a permit from the LSRCA will not be required

LSRCA staff note that the Applicant/Owner has submitted a related plan of subdivision application (LSRCA file no. SD-310354-090619).

Advisory Comments

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

Summary

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

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

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 does not apply to the subject site. A permit from the LSRCA will not be required prior to any development taking place;
3. That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;

Please inform this office of any decision made by the Town of Innisfil with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (s.payne@lsrca.on.ca).

Sincerely,



Steven Payne
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)