

Summary of Comments

B-007-2024 - 983 Lockhart Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-007-2024
MEETING DATE: September 19, 2024
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Keirsten Morris, Senior Planner
SUBJECT: Consent to sever 983 Lockhart Road to create one new residential lot.

PROPERTY INFORMATION:

Municipal Address	983 Lockhart Road
Legal Description	CON 10 N PT LOTS 24 & 25
Official Plan	Retirement Residential Area & Key Natural Heritage Features & Key Hydrologic Features (Schedule B5)
Zoning By-law	Agricultural General (AG), Environmental Protection (EP), Residential Special Community (RSC) and Open Space (OS)

RECOMMENDATION:

The Planning Department recommends approval of application B-007-2024, subject to the following conditions:

CONDITION:

- 1.) That the Owner/Applicant shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town. The draft R-Plan shall include the rear yard setback to the two closest dwellings on the retained lands from the rear lot line to ensure compliance with the minimum required 8m rear yard setback. If the dwellings do not meet the 8m rear yard setback, a minor variance shall be obtained for a reduced setback before the R-Plan is approved and deposited on title at the Land Registry Office.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 983 Lockhart Road to create one new residential lot. The vacant severed lands will have an area of approximately 60.62ha with a lot frontage of approximately 1,014.25m on 10th Line. The retained lands which contain an existing low rise multi-unit residential development will have an area of approximately 79.29 ha with a lot frontage of approximately 755.94 m on Lockhart Road. It is staff's understanding that 983 Lockhart Road, 960 10th Line and 1040 10th Line have inadvertently merged on title and the applicant is requesting to re-sever the lots into two separate parcels.

SURROUNDING LANDS:

North	Lockhart Road, Parkbridge residential community
East	Single detached dwellings, Sandy Cove Marine
South	Agricultural and forested lands
West	Agricultural lands

ANALYSIS:

Site Inspection Date	September 10, 2024
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The majority of the subject lands are within the settlement area of Sandy Cove (the exception being the significant woodlands and Provincially Significant Wetlands on the eastern portion of the lands to be severed, which are designated Key Natural Heritage Features and Key Hydrologic Features in the Town Official Plan). Section 1.1.3.1 of the Provincial Policy Statement (PPS) states that settlement areas shall be the focus and growth of development.</p> <p>Section 1.1.3.2 states that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion, and also states that land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with Section 1.1.3.3.</p> <p>The proposed consent would recreate a lot for future residential development within a settlement area where development and intensification is promoted by PPS policies. The retained lands contain existing development on existing municipal services and the vacant severed lands, which are currently agriculturally and environmental protection-zoned and Retirement Residential and Key Natural Heritage Features and Key Hydrologic Features designated, will have municipal services available when redeveloped and rezoned for future residential development as permitted by the Town Official Plan. As indicated in the Planning Justification Letter submitted with the application, the portion of the vacant severed lands that are located outside of the settlement area and are identified as being part of the natural heritage system are not proposed to be residentially developed and will remain within the environmental protection zone as part of a future development application for the severed lands. Any future development application for the severed lands will be subject to further review in accordance with provincial and local Official Plan policies.</p> <p>The application is therefore considered to be consistent with the PPS, subject to the recommended condition.</p>

<p>Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The majority of the subject lands are within the settlement area of Sandy Cove and are identified as being a designated Greenfield area by the Growth Plan. Section 2.2.1 of the Growth Plan directs growth to settlement areas that have existing or planned municipal infrastructure, locations with existing or planned transit and where complete communities can be supported.</p> <p>Sections 2.2.2, 2.2.6 and 2.2.7 provide policies that focus population growth and density within settlement areas and designated Greenfield areas outside of the delineated built-up boundary. By promoting a mix of housing options within settlement areas, municipalities can achieve integrated development while meeting population intensification and density targets.</p> <p>The proposed consent would recreate a lot for future residential development within the designated Greenfield area which will assist in achieving the Town’s density targets and contribute to development of a complete community in the settlement area of Sandy Cove. As discussed, the portion of the vacant severed lands that are located outside of the settlement area and are identified as being part of the natural heritage system are not proposed to be residentially developed and will remain within the environmental protection zone as part of a future development application for the severed lands. Any future development application for the severed lands will be subject to further review in accordance with provincial and local Official Plan policies.</p> <p>Considering the above, Staff are of the opinion the proposal is consistent with the Growth Plan subject to the recommended condition.</p>
<p>Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The majority of the subject lands are located within a settlement area, therefore settlement area policies 6.32 to 6.34 of the LSPP apply. The portion of the vacant severed lands located outside of the settlement area are identified as being a Key Natural Heritage and Key Hydrologic Feature (provincially significant wetland), therefore policies 6.20 to 6.29 of the LSPP apply. No development or site alteration is proposed as part of the subject consent application. Any future development of the vacant severed parcel will be required to address the settlement area and natural heritage policies of the LSPP. As such, Staff consider the proposed severance to be consistent with the LSPP, subject to any conditions recommended by the Lake Simcoe Region Conservation Authority (LSRCA).</p>
<p>Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The majority of the subject lands are designated ‘Settlement’ on Schedule 5.1 of the Simcoe County Official Plan (SCOP). The southeast portion of the proposed severed parcel is designated Greenlands on Schedule 5.1 of the Simcoe County Official Plan. The Greenlands designation represents the natural heritage system of the County.</p> <p>Section 3.5.8 indicates that settlement areas shall be the focus of population and employment growth and their regeneration shall be promoted. Development on designated Greenfield areas will be</p>

	<p>planned to achieve a minimum density target of 32 residents and jobs per hectare per 3.5.24 and higher density development is permitted in designated Greenfield areas subject to the compatibility of the development with adjacent residential areas (3.5.30). The proposed application results in re-creation of a lot for future residential development and intensification within the settlement area of Sandy Cove where population growth is intended by settlement area policies. Further the proposal is considered compatible with adjacent residential areas being located in an area surrounded by low to mid density residential communities.</p> <p>Section 3.3.2 of the SCOP indicates that subdivision of land by plan of subdivision or consent is permitted only for the land uses permitted in the designation or that maintain the intent of the Plan’s objectives and policies. Section 3.8.15 of the SCOP (applying to the Greenlands designation) states that agricultural use is permitted in the Greenlands designation. The proposed vacant severed lot is zoned and sized appropriately for agricultural use, exceeding the minimum 40 ha lot area for the Agricultural (AG) zone. Any future development application will be reviewed in accordance with the natural heritage policies of the Province, County and Town.</p> <p>In consideration of the above comments, Staff are of the opinion that the application conforms to the policies of the Simcoe County 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 Retirement Residential Area and Key Natural Heritage Features & Key Hydrologic Features (KNHF & KHF) on Schedule B5 to the Town of Innisfil Official Plan and the portion within the settlement area of Sandy Cove is considered an urban settlement area by the Official Plan. Residential development and lot creation are permitted in the designation subject to applicable policies. The eastern portion of the proposed severed parcel is located outside of the settlement area and is designated KNHF & KHF on Schedule B5 of the Official Plan.</p> <p>Section 10.6.7 of the Official Plan states that the overall density in the Retirement Residential Area designation shall be 16 units per gross hectare and the minimum permitted density shall be 12 units per gross hectare. The consent proposes to recreate an existing lot for future higher density development which will be required to conform to the density policies of the Official Plan. As such, staff consider the proposed consent as a re-establishment of existing development and consider the consent to comply with the intent of policy 10.6.7.</p> <p>Section 9.3.1 of the Official Plan, applying to Urban Settlement Areas, states that development in Urban Settlement Areas will accommodate residential and employment growth on full municipal services. Where full municipal services are not available, creation of new lots shall be prohibited until full municipal services are available</p>

	<p>per 9.3.3. As noted, the proposed consent would recreate a lot that previously existed and will provide the opportunity for future higher density development of the severed lot located within the settlement boundary on full municipal services. Staff therefore consider the application to comply with the intent of the policies of Section 9.3 of the Official Plan.</p> <p>The Key Natural Heritage Features and Key Hydrologic Features (KNHF & KHF) designation applies to the natural heritage features located on the subject lands including a watercourse, provincially significant wetland (PSW) and woodlands. Section 17.1.8 of the Official Plan indicates that development and site alteration shall demonstrate no negative impacts on the KNHF or KHF or their functions. As the proposed consent would recreate an existing vacant lot and any future re-development would be required to demonstrate no negative impacts on the KNHF & KHF, staff do not have concerns with the proposed lot creation in regard to the KNHF & KHF policies of the Official Plan.</p> <p>Staff have reviewed the criteria outlined in Section 22.8.1 to consider when evaluating consent applications and have no concerns with the application conforming to these criteria.</p> <p>Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan, subject to the recommended condition.</p>
<p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Agricultural General (AG), Environmental Protection (EP), Residential Special Community (RSC) and Open Space (OS) in Zoning By-law 080-13, as amended. The proposed consent would separate the southern vacant AG and EP zoned lands from the northern RSC, EP and OS zoned lands which contain an existing low rise multi-unit residential community.</p> <p>The consent proposes the vacant severed lot, zoned AG and EP, to be 60.62ha in area with a frontage of approximately 1,014.25 m, complying with the minimum lot area and lot frontage requirements of the AG zone. The retained lot is proposed to be 79.29 ha in area with approximately 755.94 m of frontage, complying with the minimum lot area and frontage requirements of the RSC zone. The RSC zone requires a minimum interior side yard setback and rear yard setback of 8m. The consent sketch submitted shows a rear yard setback of 6.67m and 5.81m for two dwellings fronting on Corner Brook Trail which does not comply with the required 8m setback. Staff understand that the measurements on the consent sketch are approximate only and have therefore recommended as a condition of consent that the rear yard setbacks of the closest two dwellings to the rear lot line be confirmed by an Ontario Land Surveyor and shown on the R-Plan required to be submitted for deed stamping to ensure zoning compliance, or a minor variance be obtained if the 8m setback is not maintained.</p>

	In consideration of the above, the subject application maintains the purpose and intent of the Town's Zoning By-law, subject to the recommended condition.
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, subject to the proposed condition.

CONCLUSION:

The Planning Department recommends approval of application B-007-2024, subject to the recommended condition.

PREPARED BY:

Keirsten Morris
Senior 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: B-007-2024

SUBJECT: 983 Lockhart 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. No comments.



Engineering

MEMORANDUM TO FILE

DATE: September 9, 2024

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

FILE/APPLICATION: B-007-2024

SUBJECT: 983 Lockhart 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.



Sent via e-mail: thaghsheenas@innisfil.ca

September 16, 2024

Municipal File No.: B-007-2024
LSRCA File No.: VA-127416-090424

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

Dear Toomaj,

Re: Application for Consent
983 Lockhart Road
Town of Innisfil
Owner: Parkbridge Lifestyle Communities Inc. (Jeff Marchall)
Applicant: The Jones Consulting Group Ltd. (Ray Duhamel)

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 sever the subject land to create two parcels, the retained parcel to have an approximate area of 79.29 ha and the severed to have 60.62 ha for the purpose of a future development.

Documents Received and Reviewed by Staff

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

- Committee of Adjustment Application (dated August 13, 2024)
- Application Cover Letter prepared by Jones Consulting Group Ltd. (dated August 14, 2024)
- Planning Justification Report prepared by Jones Consulting Group Ltd. (dated August 14, 2024)
- Severance Sketch prepared by Jones Consulting Group Ltd. (dated 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:

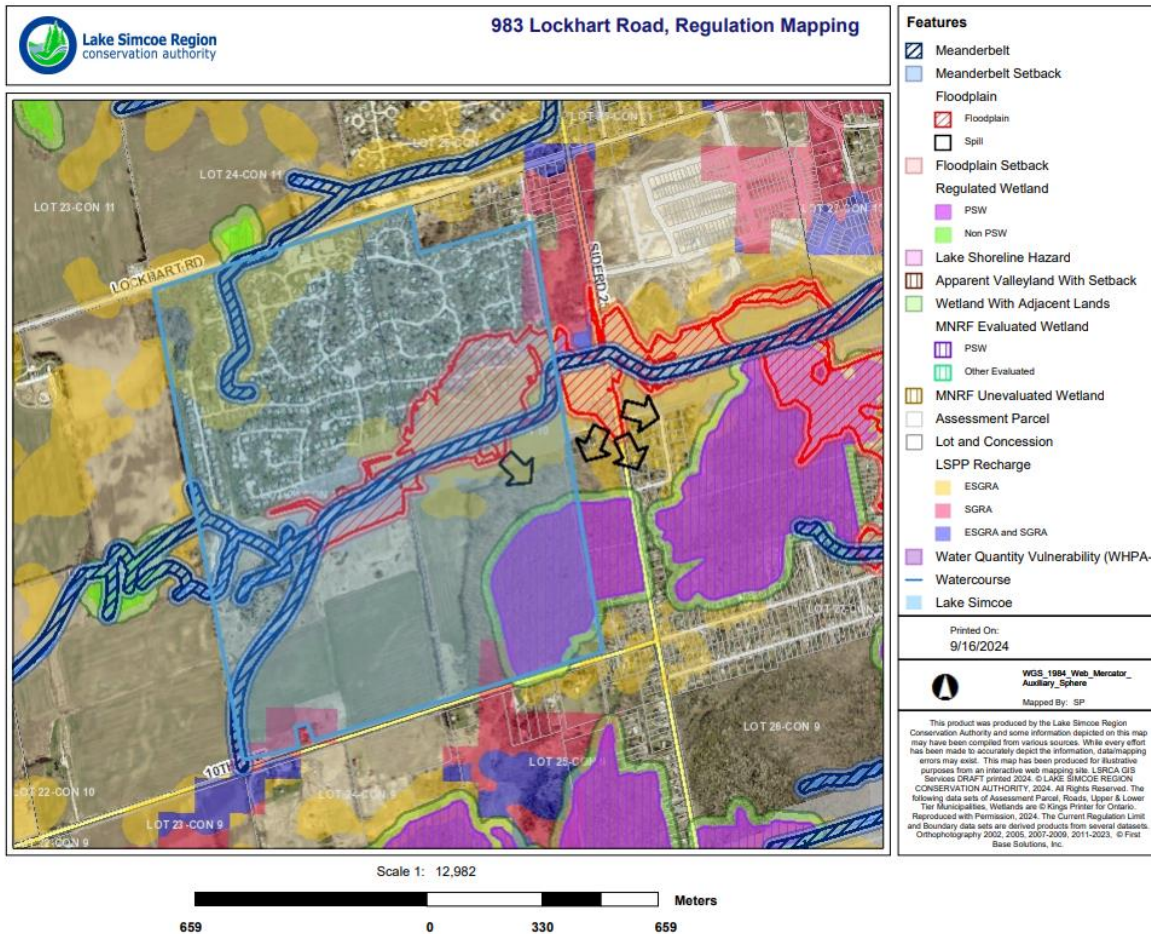
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject land has a total combined area of approximately 139.91 hectares and is located west of Sideroad 25 and south of Lockhart Road within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the “Residential Special Community Zone “ (RSC), “Open Space” (OS), and “Environmental Protection” (EP) as per the Town of Innisfil’s interactive mapping.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for Watercourse and associated erosion and flood hazards, identified wetland areas (and adjacent lands). Please see a detailed regulatory map below.
- The subject property contains identified woodland areas.
- The subject property is located within a completed watershed or sub-watershed study area – Innisfil Creeks Subwatershed Plan.
- The subject property is within an Ecologically Significant Groundwater Recharge Area (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, wetland area). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.
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 may be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

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. Matters pertaining to stormwater management and hydrogeology may be addressed through subsequent detailed design submissions.

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)