

Summary of Comments
A-033-2024 –
1155 Big Bay Point Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-033-2024
MEETING DATE: October 17, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance applications A-033-2024 seeking relief from Table 4.2(a) of Zoning By-law to decrease the minimum interior side yard setback from 3 metres to 1.87 metres.

PROPERTY INFORMATION:

Municipal Address	1155 Big Bay Point Road
Legal Description	CON 12 N PT LOT 23
Official Plan	Agricultural Area (Schedule B)
Zoning By-law	Residential Rural (RR) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-033-2024, 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.

Application Number	By-law Section	Requirements	Proposed	Difference
A-033-2024	4.2 a)	- minimum 3 m interior yard setback	1.87 m	-1.13m

REASON FOR APPLICATION:

The applicant is proposing to construct an attached carport and second floor living area with a proposed interior side yard setback of 1.87 m. The addition will replace an existing one storey carport. The applicant is seeking relief from Table 4.2(a) of the Zoning By-law which requires a minimum interior side yard setback of 3 m for principal buildings. Please note the proposed stairs are not included in the setback calculation.

SURROUNDING LANDS:

North	Agricultural lots
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East	Single-detached dwelling
South	Campground (Commercial Tourist use)
West	Single-detached dwelling

ANALYSIS:

Site Inspection Date	September 10, 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 outside any Settlement areas. The subject lands are designated Agricultural Area in the Town Official Plan (Schedule B). Given the rural residential nature of the subject lands, provisions of section 18.4 shall be applied. As per Section 18.4.2 of the Official Plan, the Rural Area designation permits single detached dwellings and accessory structures including accessory dwelling units (ADUs). The proposed addition will result in two (2) conforming ADUs. Section 14.3 of the Official Plan includes policies that promote development that provides affordable and accessible housing which includes ADUs. The proposed ADU would provide an opportunity for a more affordable housing option 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>Section 18.1.1(iii) of the Official Plan states that uses shall not adversely affect the protection of agricultural uses and other resource-based uses. There is not change in use taking place as the lot is zoned RR and two ADUs are proposed as-of-right, with the proposed development not having an impact to surrounding agricultural uses given the scale and location of the addition.</p> <p>Staff have no objections to the proposed addition 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 Rural (RR) in the Town’s Zoning By-law 080-13. The RR zone permits single detached dwelling and accessory structures, as well as accessory dwelling units.</p> <p>Table 4.2(a) of the Zoning By-Law requires a minimum interior side yard setback of 3m. The applicant is proposing a 1.87 m interior side yard setback.</p> <p>The purpose and intent of Section 4.2a of the Zoning By-law with respect to a minimum interior side yard setback is to ensure that adequate separation distances are maintained from abutting properties to ensure privacy, drainage and ease of maintenance; as well as to limit visual bulk and massing. The proposed addition will replace an existing 1 storey carport with a more deficient interior side yard setback of only 0.52m, with a less deficient setback of 1.87m. Therefore the proposed works will provide an increased setback from existing. Considering the proposed setback is an improvement from the existing setback with respect to the first storey, Staff do not have major concerns with the second storey also at 1.87m. Staff note in other zones such as R1, a 1.5m setback is normally permitted for a two storey residential dwelling on private services (1.2m on full services). As such, staff have no concerns with the proposed</p>

	deficiency side yard setback. All other provisions of the Zoning By-law are met.
The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The applicant is proposing to construct a two-storey addition resulting in a new accessory dwelling unit (ADU) which will provide for affordable housing on the subject lands. The addition will replace an existing carport; and will result in an increase in the interior side setback despite not meeting the zoning by-law. Given the proposed location and height of the accessory structure and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land.
The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Given the scale of development and size of the lot, as well as the location of the existing non-complying carport, staff are of the opinion the requested variances are considered minor subject to the proposed 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: October 10, 2024

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

FILE/APPLICATION: A-033-2024

SUBJECT: 1155 Big Bay Point Road

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. All structures over 50m² will require a lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the 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-029-2024

SUBJECT: 1155 Big Bay Point Road

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

October 7, 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
1155 Big Bay Point Road
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 two additional dwelling units (ADUs) as an addition to the existing detached dwelling. 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 Table 4.2(a) to allow for a reduction of the interior side yard setback from the minimum 3 metre to the proposed 0.66 metres for an exterior staircase.
- Relief from Table 4.2(a) to allow for a reduction of the interior side yard setback from the minimum 3 metre to the proposed 1.86 metres.

Documents Received and Reviewed by Staff

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

- Application Package (dated August 30, 2024)
- Drawing & Site Plan Package prepared by Sketch Design Build (dated July 30th, 2024)
- Justification Letter prepared by Sketch Design Build (dated September 3, 2024)
- Topographic Survey prepared by DEMTech (dated September 19, 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 5.2 of the Provincial Planning Statement (PPS, 2024) 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:

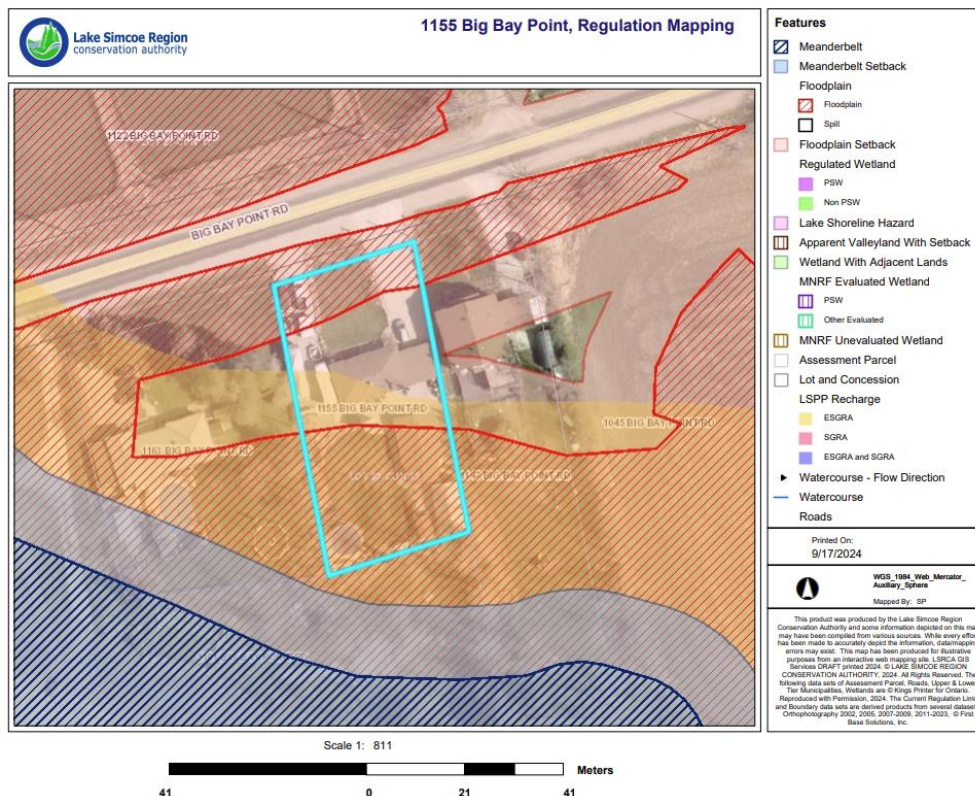
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject land is approximately 1,846 square metres (0.18 hectares) in land area and is located south of Big Bay Point Road and west of Sideroad 25 within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the ‘Residential Rural Zone’ (RR) as per the Town of Innisfil’s online interactive zoning map.
- The subject property is entirely regulated by the LSRCA under Ontario Regulation 41/24 for flood hazard associated with Sandy Cove Creek. 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 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 5.2.3 of the Provincial Planning Statement (PPS). There are identified natural hazards on the subject lands (floodplain hazard area associated with Sandy Cove Creek). Based on the information submitted as part of this application, the proposal is consistent with 5.2.3 of the PPS.

As per the topographic survey submitted by the applicant dated September 19, 2024, the proposed development appears to be located outside of LSRCA’s regulated floodplain and safe access to the proposed development has been demonstrated. Therefore, conformity with Section 5.2 of the PPS has been demonstrated.

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 the entirety of the subject property. It appears that the proposed development will 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 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.

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

1. Consistency with Section 5.2 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 applies to the subject site. A permit from the LSRCA will be required prior to any development taking place;

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)

MEMORANDUM TO FILE

DATE: October 10, 2024

FROM/CONTACT: Milan Boldin, milanb@innpower.ca

FILE/APPLICATION: A-033-2024

SUBJECT: 1155 BIG BAY POINT 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):

IF METER BASE IS REQUIRED TO BE RELOCATED CUSTOMER IS RESPONSIBLE FOR ALL COSTS ASSOCIATED

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)

