

Summary of Comments

B-009-2024 – 823 Cedarvale Drive



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-009-2024

MEETING DATE: October 17, 2024

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Toomaj Haghshenas, Development Planner

SUBJECT: Consent to sever 823 Cedarvale Drive to create three (3) single-detached residential lots with frontage on Moyer Avenue

PROPERTY INFORMATION:

Municipal Address	823 Cedarvale Drive
Legal Description	PLAN 587 LOTS 130 TO 132 & PT LT 133 RP 51R5923 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-009-2024, subject to the following conditions:

CONDITIONS:

- 1.) That the Owner/Applicant shall pay to the Town of Innisfil cash in lieu of 5% Parkland Dedication for residential developments, the amount of which shall be 5% of a valuation determined by a professional and qualified appraiser engaged by the Owner/Applicant to the satisfaction of the Secretary Treasurer.
- 2.) That existing mature trees and boundary trees be protected and maintained to the satisfaction of the Town. A Tree Preservation/Planting Plan shall be prepared to the satisfaction of the Town, proposing tree compensation and replacement rates for any trees to be removed, and location of new trees and tree protection measures during construction of the new dwellings and driveways.
- 3.) That \$2000.00 be provided to the Town of Innisfil for four new boulevard trees (one per lot, \$500.00 per tree).
- 4.) That the Owner/Applicant obtain written confirmation from InnServices that there is sufficient municipal water and sewer capacity.
- 5.) That the Owner shall:

- a. execute an agreement in the form satisfactory to the Trustee, the Town and InnServices to be bound by all terms and provisions of the Innisfil Developers Allocation Group (Town of Innisfil) Development Charges Early Payment Agreement;
 - b. make a cash payment to the Town (for payment into the Wastewater Treatment Reserve Fund) in the amount of its share of the funding of Capital Costs already paid from Owner’s Development Charges Pre-Payments to that time, as calculated by the Trustee factoring the amount of it Subscribed SDEs and the rate of the Wastewater Treatment component of the DC By-law at the time that such party becomes an owner; and,
 - c. provide a Pre-Payment LC to the Trustee for the balance of its funding requirement, as calculated by the Trustee factoring the amount of its Subscribed SDEs and the rate of the Wastewater Treatment component of the DC By-law at the time that such party becomes an Owner as per Section 6.2 of the IDAG DC Early Payment Agreement.
- 6.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 823 Cedarvale Drive to create three new residential lots (four total). The first severed lands will have an approximate lot area of 881.3 m² and a lot frontage of 15.10 m. The second severed lands will have an approximate lot area of 857 m² and an approximate frontage of 15.10 m. The third severed lands will have an approximate lot area of 832.8 m² and a lot frontage of 15.10 m. The retained parcel will have an approximate lot area of 1600.3 m² and an approximate lot frontage of 30.42 m (corner lot). All lots will be fronting onto Moyer Avenue.

SURROUNDING LANDS:

North	Cedarvale Drive and Single-detached dwellings
East	Single-detached dwellings
South	Single-detached dwellings on approximately 15m frontage lots fronting on Killarney Beach Road
West	Moyer Avenue and Nantyr Drive intersection, and Single-detached dwellings

ANALYSIS:

Site Inspection Date	October 10, 2024
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<p>Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are within the Primary Settlement Area of Alcona as defined by the Provincial Policy Statement (PPS). Section 1.1.3.1 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. Since the subject property is located within the settlement area of Alcona and represents intensification on a public street that contains single detached lots, most of which are similar in frontage and area, the proposal is consistent with these sections of the PPS.</p> <p>The application is considered to be consistent with the PPS.</p>
<p>Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Section 2.2.1.2(a) states the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The subject lands are within the delineated built boundary of Alcona, are limited residential development, and have existing municipal water and sewer services.</p> <p>Considering the above, Staff are of the opinion the proposal conforms to the Provincial Growth Plan.</p>
<p>Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are located within a settlement area, therefore they are subject to the settlement area policies 6.32 to 6.34 of the Lake Simcoe Protection Plan (LSPP). The subject lands are outside of any flood and fill regulated areas of the Lake Simcoe Region Conservation Authority (LSRCA). They are also not adjacent to any key natural heritage or key hydrologic features, thus they do not require a natural heritage evaluation. Staff note while the property is treed, the lands are zoned and intended for residential purposes and are not identified as significant woodlands in the Town Official Plan, not are they in proximity to other features such as wetlands, valleylands, areas of natural and scientific interest, etc.</p>
<p>Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated ‘Settlement’ in the Simcoe County Official Plan and identified as being in the Primary Settlement Area of Alcona. Section 3.5.8 indicates that settlement areas shall be the focus of population and employment growth and their regeneration shall be promoted. Intensification shall occur in built up areas per 3.5.24 and higher density development is permitted in built-up areas subject to the compatibility of the development with adjacent residential areas (3.5.30). Section 3.3.2 states subdivision of land by plan of subdivision or consent are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan’s objectives and policies. Section 3.5.1 states one of the objectives of the Settlements designation is</p>

	<p>to focus population and employment growth and development within settlements, with particular emphasis on primary settlement areas. The proposal would meet these objectives.</p> <p>.</p> <p>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 “Residential Low Density 1” on Schedule B1 to the Town Official Plan. The designation permits single detached dwellings. The lands are also located within the Primary Settlement Area of Alcona. Section 9.2.3 states 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.</p> <p>Section 10.2.4 of the Official Plan states that the maximum permitted density of the Residential Low Density 1 area shall be 13 units per net hectare and the minimum shall be 10 units per net hectare. ‘<i>Net hectare</i>’ means the area of land of the lot and includes local roads as per the definition in Section 23.3.91. The proposal to sever the subject lands into four lots would be consistent with this range, at an approximate density of about 10 units per net hectare not including roads, or about 8 units including adjacent public roads. While the density including roads is slightly below the 10-13 density range including public roads, Staff note the density is measured over an entire neighbourhood, and marginal variation can occur over a given area.</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 250 metres. The severed and retained lands meet the minimum lot frontage and area requirements of the zoning by-law. The frontages proposed are considered consistent with the average frontage on the same street (Moyer) within 250m. The three lots that front onto Moyer to the south have similar frontages (two are about 15m and one (corner lot) is about 19m). 1676 Moyer has about 58m frontage on Moyer, however this is a corner lot that technically flanks Moyer and ‘fronts’ onto Nantyr per the Zoning By-law definition of frontage, with frontage of about 30m on Nantyr, similar to the 30m frontage corner lot proposed in this development. . In the context of existing development, the policy is considered to be met by the proposed consent application.</p> <p>Sections 15.1.6. and 15.1.7 state a Tree Protection Plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot, including any trees removed five years prior to the development application. A Tree</p>

	<p>Inventory and Arborist Report shall be submitted in support of the application to the satisfaction of Town staff.</p> <p>Section 16.3.13 states the cost of providing full municipal services to facilitate the development of land shall be borne by the developer(s), but with provision being made for cost-sharing with future benefitting parties, where appropriate. Since the approval of a consent to sever lands is included in the definition of ‘development’ in the Innisfil Developers Allocation Group Development Charges Early Payment Agreement (IDAG Agreement) and the subject lands are within the boundary subject to the IDAG Agreement, the Owner is therefore subject to the IDAG Agreement. As such, a condition of approval has been added for the Owner to enter into an Agreement to be bound by all terms and provisions of the IDAG Agreement.</p> <p>Considering the above, Staff are of the opinion that the application conforms to the Town of Innisfil Official Plan.</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 “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. All severed and retained lots comply with or exceed the minimum required lot frontage and lot area for the R1 zone. The lots would not be out of character with surrounding lots, including similar frontages to the South on Moyer Avenue.</p> <p>Considering the above, Staff are of the opinion that the proposal maintains the purpose and intent the Town’s Zoning By-law.</p>
<p>Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>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.</p>

CONCLUSION:

The Planning Department recommends approval of application B-009-2024 subject to the proposed conditions.

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: B-009-2024

SUBJECT: 823 Cedarvale 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: October 11, 2024

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

FILE/APPLICATION: B-008-2024

SUBJECT: 823 Cedarvale 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. Ensure you have servicing available.
2. Tree compensation to be provided.

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: October 10, 2024

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-009-2024 823 Cedarvale Drive

SUBJECT: Severance Application for 823 Cedarvale Drive – 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 there is currently one (1) existing water service for the subject property, which is located on the proposed corner lot. The three (3) interior lots will require water service lateral connections to the existing municipal water main on Moyer Avenue.
2. It appears that there are no existing sanitary service laterals for the subject property. The proposed corner lot and three (3) interior lots will require sanitary service lateral connections to the existing municipal sanitary main on the Moyer Avenue.
3. Prior to submitting a Right of Way Activity Permit (RAP) with the Town of Innisfil, the Owner/Applicant shall submit Additional Service Connection Applications to InnServices to service each lot, complete with the applicable Additional Service Connection Application fee for each lot.
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 service laterals and sanitary service laterals, to the existing municipal water main and sanitary main and restoration of the Town's 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 submit Additional Service Connection Applications to InnServices to service each lot, complete with the applicable Additional Service Connection Application fee for each lot.
2. That the Owner/Applicant confirm that the existing water system can provide/accommodate the required flows and pressures to service the retained lot and severed lots at the expense of the Owner/Applicant to the satisfaction of InnServices.
3. That the Owner/Applicant confirm that the existing sanitary conveyance and treatment system can accommodate the required flows that will be generated by the retained lot and severed lots at the expense of the Owner/Applicant to the satisfaction of InnServices.

MEMORANDUM TO FILE

DATE: October 10, 2024

FROM/CONTACT: Tony Mendicino, tonym@innpower.ca

FILE/APPLICATION: B-009-2024

SUBJECT: 823 CEDARVALE 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):

INNPOWER DOES NOT HAVE ANY OBJECTIONS TO THE SEVERANCE OF THE PROPERTY INTO 3 ADDITIONAL LOTS. HOWEVER, THEY SHOULD CONTACT INNPOWER TO START THE LAYOUR PROCESS AND POSSIBLE EXPANSION REQUIREMENTS.

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)

