

# **Summary of Comments**

A-050, A-051 and A-052-2024 -  
1123 Stoney Point Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** A-050-2024, A-051-2024 & A-052-2024  
**MEETING DATE:** January 23, 2025  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Toomaj Haghshenas, Development Planner  
**SUBJECT:** Minor variance applications A-050-2024, A-051-2024 and A-052-2024 seeking relief from Table 4.2a of Zoning By-law No. 080-13 for minimum front yard setback, minimum rear yard setback and maximum lot coverage.

### PROPERTY INFORMATION:

<b>Municipal Address</b>	1123 Stoney Point Road
<b>Legal Description</b>	CON 3 PLAN 616 LOT 10
<b>Official Plan</b>	Residential Low Density 1 (Schedule B3)
<b>Zoning By-law</b>	Residential 1 (R1) Zone

### RECOMMENDATION:

The Planning Department recommends approval of A-050-2024, A-051-2024 and A-052-2024 subject to the following conditions:

1. That the variances apply exclusively to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.
2. That the 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 the location of new trees and tree protection measures during the construction of the dwelling.
3. That owner authorization be provided prior to obtaining a building permit for any development occurring outside the lot boundary (i.e. the proposed pathway on lands comprising part of the Stoney Point Road private road).
4. That two off-street tandem parking spaces and new well location, subject to a hydrogeological study, be provided on a revised site plan drawing, to the satisfaction of the Town.

### REASON FOR APPLICATION:

The applicant is proposing to construct a new single-detached dwelling, replacing the existing dwelling/cottage on the subject lands. Due to the irregular private road allowance located in the

front of the property, the proposed dwelling will have a deficient front yard setback of 0.5 m, deficient rear yard setback of 4.16 m and a lot coverage of 45%. The applicant is seeking relief from Table 4.2a of the Zoning By-law which requires a minimum front yard setback of 8 m, a minimum rear yard setback of 6 m and a maximum permitted lot coverage of 35%.

Application Number	By-law Section	Requirement	Proposed	Difference
A-050-2024	4.2a (B)	Minimum front yard setback of 8 m	0.5 m	- 7.5 m
A-051-2024	4.2a (E)	Minimum rear yard setback of 6 m	4.16 m	- 1.84m
A-052-2024	4.2a	Max lot coverage of 35%	45%	+ 10%

**SURROUNDING LANDS:**

<b>North</b>	Stoney Point Rd, single-detached dwellings
<b>East</b>	Single-detached dwellings
<b>South</b>	Single-detached dwellings (shoreline)
<b>West</b>	Single-detached dwellings

**ANALYSIS:**

<b>Site Inspection Date</b>	January 8, 2024
<b>Maintains the purpose and intent of the Official Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Lefroy/Belle-Ewart. The subject lands are designated Residential Low-Density 1 in schedule B3 of the Official Plan which permits single-detached dwellings. The surrounding neighbourhood is characterized primarily by single detached dwellings.</p> <p>Section 10.2.1 of the Official Plan states the purpose of the Residential Low-Density 1 area is to maintain the low density of neighbourhoods in the Primary and Urban Settlement Areas, while 10.2.2 also allows single-detached dwellings.</p> <p>The proposed development is considered of a reasonable scale that meets the intent of Section 10.1.40 regarding building massing respecting the context of the local character. Section 10.2.7 states the maximum height of buildings shall not exceed two (2) storeys. The submitted preliminary elevation drawing conforms with this policy, proposing one (1) storey single detached dwelling.</p> <p>In this case, the proposed reductions in front and rear yard setbacks, and the proposed increase in the lot coverage, are a result of a private road allowance going through the front of the property resulting in an irregular shaped and sized lot.</p>

	<p>Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan, subject to the recommended conditions.</p>
<p><b>Maintains the purpose and intent of the Zoning By-law:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 8m front yard setback a minimum 6m rear yard setback and a maximum lot coverage of 35%.</p> <p>As noted, the applications propose to reduce the front yard setback to 0.5m, the rear yard setback to 4.16m and increase the lot coverage to 45%. All three variances are a result of an irregular lot layout due to a private road allowance (Stoney Point Road).</p> <p>The purpose and intent of the Zoning By-law with respect to minimum front yard setbacks is to ensure adequate separation of structures to the road and to establish a continuous and consistent streetscape, to reduce building massing along the street and to allow space for amenities and vehicle parking.</p> <p>The proposed variances will not change the existing character of the streetscape and is only required to accommodate the existing road allowance. The proposed development will stay consistent with the existing layout, as well as neighboring properties on Stoney Point Rd.</p> <p>Please note the updated plans show parking within the Lot boundary of the subject lands. Two off-street parking spaces are required per the Zoning By-law (Section 3.35.1.1 a)). This is proposed as a condition to be shown on a revised site plan drawing.</p> <p>The proposed development meets all other provisions of the Zoning By-law. In consideration of the above and subject to the recommended conditions, the subject application maintains the purpose and intent of the Town’s Zoning By-law.</p>
<p><b>The variance is desirable for the appropriate/orderly development or use of the land:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>As stated, the proposed variances are compatible with surrounding dwellings in the neighbourhood. The variances will facilitate a building envelope limited by constraints associated with the existing private road allowance. In the opinion of Staff, the variance is considered desirable for appropriate/orderly development of the land, subject to the recommended conditions which include a requirement to meet the two off-street parking space requirements of the Zoning By-law, which can be provided in tandem.</p>
<p><b>The variance is minor in nature:</b>  <input checked="" type="checkbox"/> <b>Yes</b>  <input type="checkbox"/> <b>No</b></p>	<p>Staff are of the opinion the variance is considered minor in nature, subject to the conditions, due to the limited impacts to neighbouring properties and the proposed development fitting into the character of the area.</p>

**CONCLUSION:**

The Planning Department recommends approval of application 050-2024, A-051-2024 and A-052-2024, subject to the recommended 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:** November 14, 2024

**FROM/CONTACT:** Jocelyn Penfold ex 3506 [jpenfold@innisfil.ca](mailto:jpenfold@innisfil.ca)

**FILE/APPLICATION:** A-050, 051, 052-2024

**SUBJECT:** 1123 Stoney Point Road

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**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)

No comments.



Engineering

**MEMORANDUM TO FILE**

**DATE: November 15, 2024**

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

**FILE/APPLICATION: A-050-2024, A-051-2024, & A-052-2024**

**SUBJECT: 1123 Stoney Point Road**

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**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. There are utilities in the area, ensure you have the necessary setbacks.
2. Grading and ditch need to be maintained.

**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](mailto:thaghsheenas@innisfil.ca)

November 15, 2024

**Municipal File No.: A-050-2024, A-051-2024, & A-052-2024**  
**LSRCA File No.: VA-132732-110124**

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

Dear Toomaj,

**Re: Application for Minor Variance**  
**1123 Stoney Point Road**  
**Town of Innisfil**  
**Owner: Helen Creigh**  
**Applicant: Alair Homes Barrie (Geri Lamers)**

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 demolish the existing dwelling that has a ground floor area of approximately 124 square metres and construct a detached dwelling with proposed ground floor area of approximately 96 square metres. 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 4.2a of the By-law to allow for a reduced rear yard setback from the required 6 metres to a proposed 4.16 metre.
- Relief from table 4.2a of the By-law to allow for an increase the maximum lot coverage from the required 35% to a proposed 45%.

**Documents Received and Reviewed by Staff**

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

- Application Package (dated October 17, 2024)
- Drawing Package prepared by AJD Design Group (dated September 18<sup>th</sup>, 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:

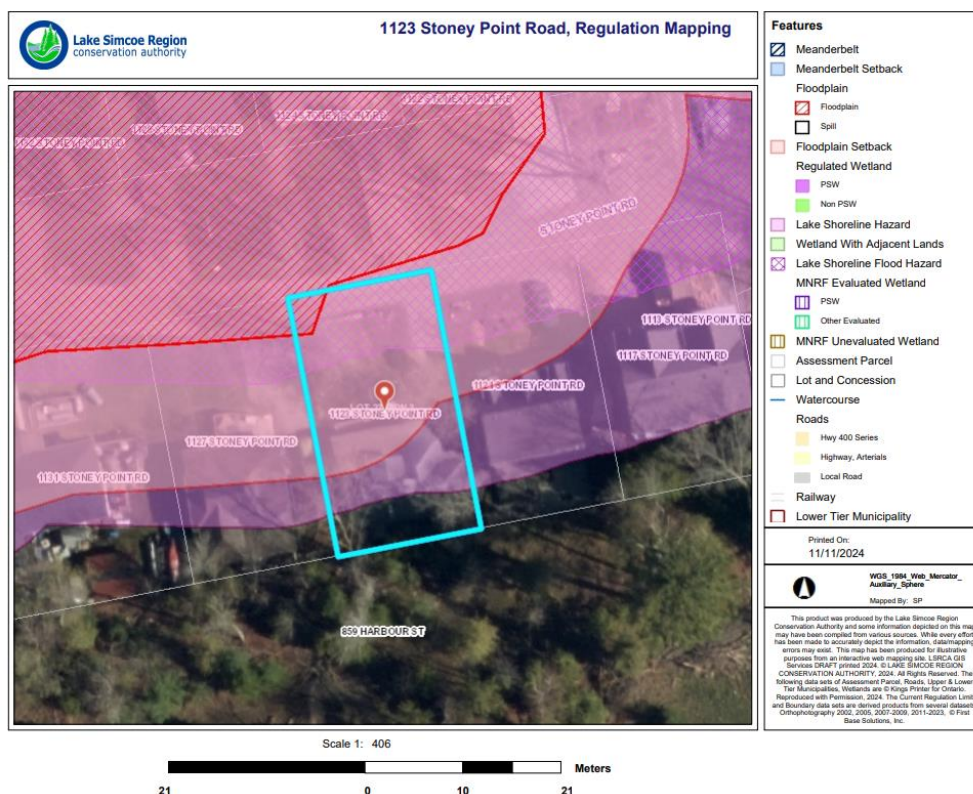
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

**Site Characteristics**

The subject land is approximately 418 square metres in land area and is located south of Stoney Point Road and east of Harbour Street within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the ‘Residential One’ Zone (R1) as per the Town of Innisfil’s online interactive mapping.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for erosion and flood hazards associated with Lake Simcoe. Please see a detailed regulatory map below.



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 of the Provincial Planning Statement (PPS). There are identified natural hazards on the subject lands (floodplain hazard area associated with Lake Simcoe). Based on the information submitted as part of this application, the proposal is generally consistent with 5.2 of the PPS.

The proposed location of the new detached dwelling is located outside of the shoreline and riverine flooding hazard associated with Lake Simcoe as per LSRCA's regulation mapping (please see above). The applicant's proposal has not demonstrated safe access can be provided based on the available mapping; but the applicant is proposing to redevelop an existing residential use with a less intensive development, the applicant's proposal is not anticipated to increase the risk associated with the regulated flood hazard. Therefore, LSRCA is satisfied that conformity with the intent of the PPS has been demonstrated subject to the applicant receiving a permit from LSRCA.

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 within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

LSRCA staff note that the Applicant/Owner has obtained a permit from the LSRCA regarding the proposed redevelopment submitted as part of this application (LSRCA file no. RPMM102834).

### **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 5.2 of the PPS has been demonstrated;
2. Ontario Regulation 41/24 does apply to the subject site. A permit from the LSRCA will be required prior to any development or site alteration 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](mailto:s.payne@lsrca.on.ca)).

Sincerely,



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

## **A-050, A-051 and A-052-2024 - 1123 Stoney Point Rd**

### **Public Comment:**

I have reviewed the recent resubmission applications for minor variances and have the following comments/ concerns specific to :

A-050-2024

A-051-2024

A-052-2024

Respecting the fact that the lot size for proposed new home to be constructed is irregular therefore resulting in the need for variances. I feel that the recent applications are still lacking detailed information, and this lack of information will be challenged specific to the variance proposing a reduction to rear yard set back and that it does not meet the four tests relating to a minor variance.

The proposed rear yard setback reduction is a contradiction to the Town of Innisfil and Inneservices utilities Inc Engineering Design standards and specifications.

Section 7.0: Grading and Drainage

Item 7.2 General Grading a min of 5.0m is required . All exceptions must receive written approval from the Town. I don't believe the committee members are qualified in engineering to grant that approval or support a reduced setback with out engineering departments approval.

Not sure how LSRCA can approve as well with out detailed certified grading information to review.

(see section attached )

Professional speaking and from my dealing with the Town of Innisfil the qualified department in the town to grant this approval would be the engineering department and externally LSRCA.

For this review to be completed the site plan attached to the application does not reflect the detailed information I have had to provide to any department within the Town of Innisfil in the past for a typical lot reviewed. In cases when requesting any change or reduction to municipal standards even more info critical to determine reduced rear yard setback less than 6.0m as well satisfy that the town grading requirements of 5.0m and how that can be reduced. Based on the additional detail info required to justify a setback less than the engineering standard of 5.0m suggest that this variance is not minor in nature

Application site plan is lacking any typically technical data/ info required as a town standard for a typical approval to be granted

- Does not show lot lengths or bearings that would appear on OLS survey

- Does not show any existing topo graphical elevations on the property
- Does not reflect any existing structures on either property
- Does not identify that the min parking spaces requirements for a single-family lot has been achieved (see attached)
- If min parking can not be achieved an additional variance would be required.
- Proposed grading for new home is not reflected
- Drainage needs to be maintained to this specific lot and not drain on to neighbouring properties that is not identified

As indicated at previous C of A meetings specific to this application.

All new builds on Stoney Point road have been required to maintain a min rear set back of 6.0m this at the request of previous planning staffs. A request for reduction was challenged but determined at the OMB 6.0m should be maintained and has been maintained moving forward on all new build lots standard and irregular in shape and size on Stoney point road.

Individual lot/ property grading on Stoney point road is an issue and has been addressed to the town on several occasions and a reduced setback only complicates providing satisfactory grading

Note providing the town parking standards of 2 spaces per lot currently is not identified on the site plan and is a min requirement that should be identified