

Summary of Comments

A-042-2024 – 2858 25th Sideroad



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-042-2024
MEETING DATE: October 17, 2024
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-042-2024 seeking relief from Section 3.27 of Zoning By-law No. 080-13 to permit a storage building in a Commercial Neighborhood (CN) Zone with legally existing, non-conforming use.

PROPERTY INFORMATION:

Municipal Address	2858 25 th Sideroad
Legal Description	CON 10 N PT LOT 25
Official Plan	Downtown Commercial Area (Schedule B5)
Zoning By-law	Commercial Neighborhood (CN) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-042-2024 subject to the following conditions:

CONDITIONS:

- 1.) That the variance apply exclusively to the submitted drawings and that any future development of the land be subject to the Zoning By-law.
- 2.) That a Site Plan Control application be approved for the proposed development.

REASON FOR APPLICATION:

The applicant is proposing to construct a storage building associated with the current use (Marina) on the property. The proposed structure will have a footprint of 159.42 m² and an approximate height of 4.57m. The proposed storage structure is to be located on the footprint of a current structure that is to be demolished. The applicant is seeking relief from Section 3.27 of the Zoning By-law which prohibits the expansion of a legally existing non-conforming use and/or building. The applicant is seeking to expand the existing legal non-conforming use in order to permit additional indoor storage in the Commercial Neighborhood (CN) Zone. The CN Zone does not permit a Marina as a principal use.

Application Number	By-law Section	Requirements	Proposed	Difference
A-042-2024	3.27	Prohibits the expansion of legally existing, non-conforming use	Commercial storage addition to existing Marina operation	N/A

SURROUNDING LANDS:

North	Marina and single-detached dwellings
East	25 th Sideroad and new subdivision (under construction)
South	Single-detached dwellings
West	Special Residential Community known as Sandy Cove Acres

ANALYSIS:

Site Inspection Date	October 2, 2024
Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Sandy Cove. The subject lands are designated Downtown Commercial Area on Schedule B5 of the Official Plan. The Downtown Commercial Area designation does permit a broad range of retail and service uses. Section 22.13.2 of the Official Plan states that <i>“nothing in this Plan shall preclude the continuation of uses legally existing on the date that the Plan was adopted by Council”</i>. In addition, Section 22.13.4 permits the limited expansion to a legal non-conforming use while considering the need for the expansion of the use, the size of the expansion, compatibility with the surrounding neighbourhood, increase in noise/vibration/dust/fumes etc., traffic and parking impacts and adequacy of municipal services.</p> <p>Section 11.1.10 states that screening shall be provided to minimize the adverse impact on abutting residential properties. The proposed structure location does have existing screening in the form of landscaping, fencing and other structures and will therefore not have a negative visual impact to neighboring residential properties.</p> <p>The proposed works will not affect the use on the subject lands which will continue to fit in wit the context of the existing neighborhood.</p> <p>Staff have no objections to a proposed structure on the subject lands which in general meets the purpose and intent of the Official Plan, subject to the proposed conditions.</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 Commercial Neighborhood (CN) Zone in the Town’s Zoning By-law 080-13. The CN zone does not permit a Marina use. However, the current use was in place prior to the day of passing of By-law 080-13 which renders the Marina operation as a legally existing, non-conforming use. The proposed storage structure will maintain the existing use and will be used as part of the Marina operation.</p>

	<p>As stated, the current CN zoning does not permit Marina use, however the existing operation is considered a legal non-conforming use. The site can accommodate the proposed structure which will be replacing a smaller building in the same location, while providing adequate parking. However a variance is required for expanding a legal non-conforming use under Section 3.27 to ensure appropriate setbacks, lot coverage and other zoning requirements, and land use compatibility with adjacent uses.</p> <p>The proposed structure does meet all other provisions of the CN zone (including setbacks and lot coverage) aside from the use.</p> <p>Considering the above, staff are in support of the proposed addition as it meets the general intent of the Zoning By-law. 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 a storage structure in an existing Marina which is not considered to be out of character with the existing surrounding neighborhood which is largely undeveloped. The proposed structure will not have a negative impact to surrounding residential properties; nor will it negatively impact traffic.</p> <p>Aside from the use, all other provisions of the Zoning By-law are met, including minimum yard setbacks, height, lot coverage and parking. Staff consider the proposed expansion of the legal non-conforming Marina to accommodate a storage building as reasonable development given these matters. Site Plan Approval including a Site Plan Agreement, in addition to a building permit, is also required for the structure in accordance with the Town’s Site Plan Control By-law, and is a recommended condition.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Staff are of the opinion that the variance could be considered minor, subject to the proposed conditions, due to the existing use, and proposed scale and location of the structure which will have limited impacts to neighboring properties, and the proposed development meeting all other provisions of the Zoning By-law. As stated, the structure requires Site Plan Approval in addition to a building permit.</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: October 10, 2024

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

FILE/APPLICATION: A-042-2024

SUBJECT: 2858 25th Sideroad

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 comments.

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: A-040-2024

SUBJECT: 2858 25th Sideroad

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 10, 2024

Municipal File No.: A-042-2024
LSRCA File No.: VA-130700-091624

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

Dear Toomaj,

Re: Application for Minor Variance
2858 25th Sideroad
Town of Innisfil
Owner: Barb Dallimore
Applicant: Sandy Cove Marine Services Ltd.

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 two (2) accessory structures and rebuild one (1) accessory structure for commercial storage on the subject property that has an approximate ground floor area of 160 square metres. The subject property has legal non-conforming status for an existing marina operation. 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 3.27(a) of the By-law which prohibits the expansion of a legally existing, non-conforming use.

Documents Received and Reviewed by Staff

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

- Application for Minor Variance (dated September 25, 2024)
- Building Elevation Package (S1, S2, S3, S4, & S5) prepared by Springwater Engineering Ltd. (dated November 17, 2022)
- Engineering Letter of Opinion prepared by Springwater Engineering Ltd. (dated April 25, 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:

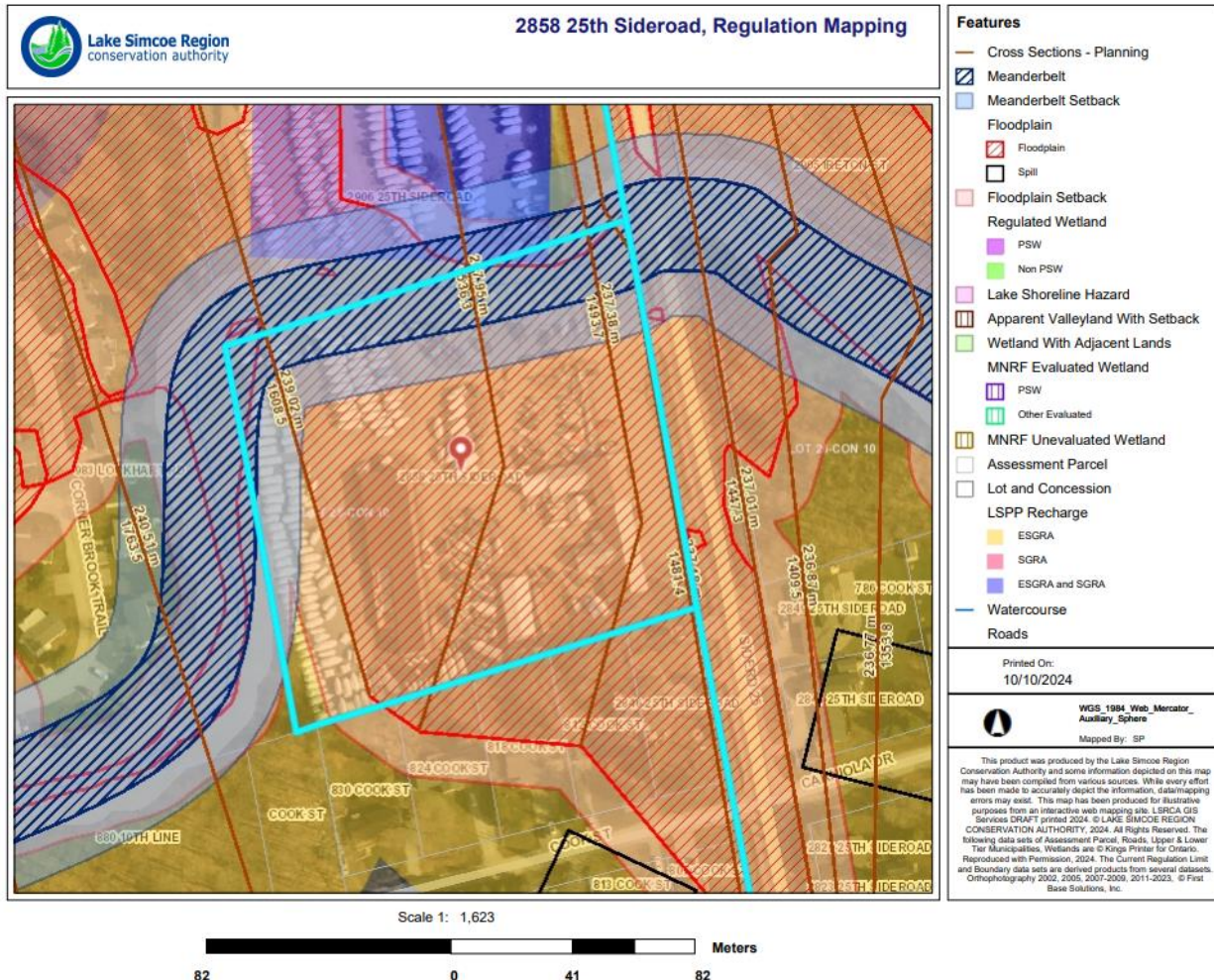
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject land is approximately 18,306 square metres (1.8 hectares) in land area 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 ‘Commercial Neighbourhood Zone’ (CN) as per Town of Innisfil’s online interactive mapping tool.
- The subject property is entirely regulated by the LSRCA under Ontario Regulation 41/24 for Watercourse (Mooselanka Creek) 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 (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 of the Provincial Planning 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 5.2 of the PPS.

As per Section 5.2.5 (b) of the provincial Planning Statement 2024; “development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems: (b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.”

The proposed redevelopment meets the intent of a minor addition and is not anticipated to cause further obstruction to the floodplain. The proposed minor addition will be floodproofed to LSRCA's satisfaction as per the permit approved by LSRCA on June 13, 2024. The applicant has also provided a stamped engineering letter stating that the proposed accessory structure will be able to withstand potential flood conditions.

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.

LSRCA staff note that the Applicant/Owner has obtained a permit from the LSRCA regarding the proposed accessory structure submitted as part of this application (LSRCA file no. RPINT101970).

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 applies to the subject site. LSRCA notes that the applicant has received a permit for the proposed redevelopment. Please note that this approval only applies to the drawings approved by LSRCA on June 13, 2024.

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)