

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: November 21, 2024
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:

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

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 yards setback of 2.76 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	2.76 m	- 3.24
A-052-2024	4.2a	Max lot coverage of 35%	45%	+ 10%

SURROUNDING LANDS:

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

ANALYSIS:

Site Inspection Date	November 5, 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 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>
Maintains the purpose and intent	The subject lands are zoned Residential 1 (R1) in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum

<p>of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>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 2.76m 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>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>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>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.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</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

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

SUBJECT: 1123 Stoney 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. 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.



Sent via e-mail: 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 18th, 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:

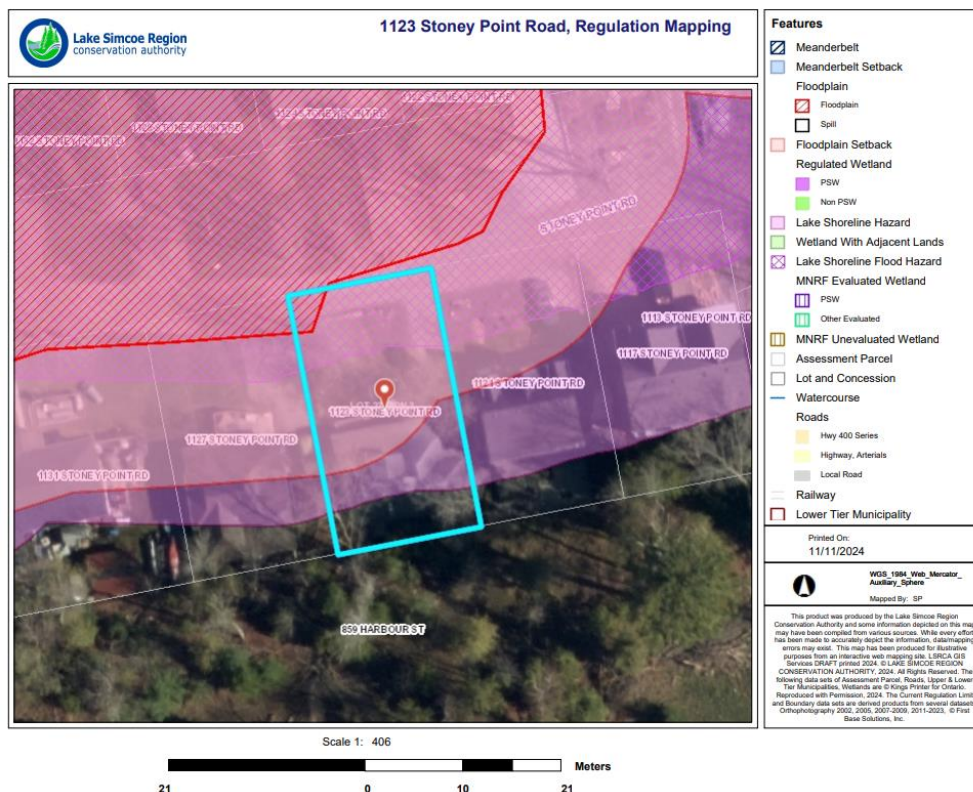
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

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).

Sincerely,



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

PUBLIC COMMENTS:

Attention: Planning staff and Secretary-treasure,

I would like to state that **we object** to the following variances for the above noted property.

- Request for relief to the min rear set back of 6.0m, A-051-2024
- Request for relief to min building coverage of 35%, A -052-2024
- It should also be demonstrated and confirmed that the min parking requirements per lot be achieved on the sole property identified as lot 10 (1123 Stoney point road) and min parking requirement not to be identified as being on the road allowance identified as lot 38.

It is unclear how planning could support these zoning reliefs when all previous new builds on Stoney Point road faced the same challenges and were able to meet the required min . These new build application went in front of the municipal board and during that process working with the Town of Innisfil planning department and the OMB expert's min setbacks had been established on Stoney point road.

We believe and feel that the minimums established previously in working with past planning staffs etc. should be maintained.

Also, its critical that providing min parking on the sole property on any new builds on stoney point road be a must. Infill projects should be improving the street, Not granting approvals on past mistakes. Note improving being a key word! This application is not improving but only replace a previous nonconforming building.

We respect that this property in question has its challenges when trying to develop a buildable home on the lot. However, Lot 9 (1121) and lot 8 (1117) have/had the same property dimension challenges as lot 10(1123) and homes are on those lots that meet the min proving that rear yard and coverage min can be maintained. It took effort and creativity, but the efforts were made to make things work within as many zonings standard minimums as possible.

Attached are lots 9 and 8 showing the property sizes, home sitings and setbacks to illustrate that these lots are the same shape and no different than lot 10. So confused why the the need for variances??

I will attend tonight's meeting and will be voicing my objection to the requested variances .

By granting this application it only opens the door for future applicates asking for even more relief since new min will now be established.

Note that if the committee does approve the C of A we will be appealing the decision.