

Summary of Comments

B-018, A-046, A-047, A-048 and
A-049-2023 - 3967 Algonquin Ave



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): B-018-2023
RELATED APPLICATION(S): A-046-23, A-047-2023, A-048-2023, A-049-2023
MEETING DATE: November 16, 2023
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Brandon Correia, Manager of Planning
SUBJECT: Consent to sever 3967 Algonquin Avenue to create one new residential lot subject to related Minor Variances

PROPERTY INFORMATION:

Municipal Address	3967 Algonquin Avenue
Legal Description	Plan 593 Lots 150 & 151
Official Plan	Shoreline Residential Area (Schedule B11)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends the approval of application B-018-2023 and related applications A-046-23, A-047-2023, A-048-2023, A-049-2023, 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, 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 dwelling and driveway.
3. That \$500.00 be provided to the Town of Innisfil for a new boulevard tree.
4. That the Owner/Applicant apply to the Town of Innisfil for a demolition permit and remove the existing deck on the proposed property line and shed on the severed lot
5. That 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.

6. That a hydrogeological study is prepared to the satisfaction of Town staff supporting that the severed and retained lots can accommodate wells and septic systems with tertiary treatment based on MOECP reasonable use guidelines
7. That variance applications A-046-23, A-0047-23, A-048-23 and A-049-2023 are approved.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 3967 Algonquin Avenue to create one new residential lot. The retained lands would have a lot area of approximately 694.5 m² with a lot frontage of approximately 19.56m. The severed lot would have a lot area of approximately 699.8 m² with a lot frontage of 15.24m.

SURROUNDING LANDS:

North	Vacant lands zoned R1, single-detached dwellings
East	Single detached dwellings
South	Single-detached dwellings
West	Algonquin Avenue

ANALYSIS:

Site Inspection Date	September 14, 2023
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are located outside of any settlement areas, and are considered ‘rural lands’ as per the Provincial Policy Statement (PPS) (defined as lands outside of prime agricultural areas and settlement areas). The location of the proposed severance is within lands designated Shoreline Residential Area in the Official Plan. Limited development is permitted per the PPS outside of settlement areas.
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are located outside of a settlement area. As per policy 2.2.9(6), new multiple lots or units for residential development may be allowed on rural lands in site-specific locations with approved zoning or designation in an Official Plan that permitted this type of development as of June 16, 2006.
Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject lands are subject to the LSPP policies. The subject lands are not within the regulatory area of the LSRCA. 4.15-DP of the LSPP states that a new on-site sewage system or subsurface sewage works shall not be permitted within 100 metres of the Lake Simcoe shoreline, other lakes, or any permanent stream except a proposal for an on-site sewage system or subsurface sewage works that relates to a development proposal for only one dwelling, where the proposal would have been permitted by the applicable zoning by-law, as of the effective date of the Plan. The severance would create only one new dwelling which would be zoned residential prior to the effective date of the LSPP. As well, staff note that the proposed lot line previously existed, which would have permitted an additional dwelling. However, the lots were

	<p>merged by a deeming by-law in 1968. The proposed severance would re-create the previously existing lot line.</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 “Rural” by the County of Simcoe Official Plan.</p> <p>Under the Rural designation, limited residential development is permitted, as provided for in policy 3.7.4. Further, limited residential may be created through consent. 3.7.11 provides that a new lot for residential development will be directed to settlement areas, and may be allowed in rural areas in site-specific locations with approved zoning or designation that permits this type of development in local municipal official plans, as of June 16, 2006.</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 as “Shoreline Residential Area” on Schedule B11.</p> <p>The permitted uses within this designation are single detached dwellings and accessory structures (19.2.2), subject to density provisions confirmed through a hydrogeological study. 19.2.9 states the tests for severances, including direct frontage on an open and maintained public road.</p> <p>19.1.17 requires that a hydrogeological study is completed to the satisfaction of the Town indicating that the MOECP reasonable use guidelines for septic systems can be met. Accordingly, a condition of approval has been added to require a hydrogeological study to the satisfaction of staff.</p> <p>16.3.12 states that a new on-site sewage system or subsurface sewage works shall not be permitted within 100 metres of the Lake Simcoe shorelines except in the following circumstances:</p> <p>16.3.12 iii) provides that a proposal for an on-site sewage system or subsurface sewage works that relates to a development proposal for only one dwelling, where the proposal would have been permitted as-of right by the applicable zoning by-law, as of the effective date of the LSPP can be considered, provided it is a tertiary system. The applications have been reviewed by the LSRCA, and NVCA, who do not have objection to the proposed severance. This policy does state severances in an existing zone permitting new residential uses are not considered as-of-right for the purpose of applying this policy, however, the lots were merged through a deeming by-law, and as a result, Staff do not consider this application new lots, but the re-instatement of previously merged lots, therefore meeting the intent of the policy.</p> <p>Staff again are of the opinion the re-establishment of two lots that were previously merged does not qualify as ‘development’ or ‘site alteration’ under the LSPP and meet the general intent of the Town’s Official Plan.</p>

<p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject property is located within the Residential 1 Zone as part of the Town of Innisfil Zoning By-law. The R1 zone requires a lot area minimum of 1400m² and a lot frontage minimum of 22m, for properties without sewer and water. As a result, variances are required for the severed lot area which does not meet minimum lot area (699.8 m² whereas 1400m² is required), and for minimum lot frontage (19.56 m whereas 22 m are required).</p> <p>As well, the retained lands require variances for lot area (694.5 m² whereas 1400m² is required), and for minimum lot frontage (15.24 m whereas 22 m are required).</p> <p>The applicant has submitted a conceptual site plan demonstrating that appropriate yards, setbacks, driveways, and building footprints could be provided which would be in keeping with the character of the surrounding area. The conceptual plans provide an adequate area required for the new septic systems, noting the current septic straddles the proposed severed lot line.</p> <p>As stated above, the lots were merged by a deeming by-law in 1968. The proposed severance would re-create the previously existing lot line. Staff have reviewed this application noting the severance re-establishes the merged lots, noting that no land use change is occurring, and the only construction of buildings proposed through this severance application would be for one (1) dwelling, subject to a hydrogeological study demonstrating that a tertiary on-site sewage/septic system can be accommodated with no negative impacts.</p> <p>The subject lands were originally two separate lots registered in 1912 as Lot 150 and 151 of Plan 593 and were merged in 1968. The proposed lots would have frontages of approximately 19.56m and 15.24m and lot areas of approximately 699m² and 694m² (the proposed lots are identical in size and area to the lots originally created in 1912). Therefore, variance applications A-046-23 to A-049-23 are required to permit a reduced lot frontage and lot area.</p> <p>The general intent of the minimum lot area and lot frontage is to permit a septic system and well to function, and to ensure the size, setbacks and siting are in harmony with the character of the surrounding community. The proposed severance (previously merged) are generally similar to the existing lot frontage and area of several lots of record in the immediate vicinity of the subject lands, including lots along Lakeside Drive, and Alcina Avenue. Considering these matters, Staff support the proposal subject to the proposed conditions, which are standard conditions for the proposed type of development. Demolition permits would be required for any structures straddling lot lines or the shed, which cannot exist on the severed lands without a principal dwelling.</p>
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<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>The proposed Consent has been reviewed under Section 2, 51(24) and 53(12) of the <i>Planning Act</i>. In the opinion of Staff, this application would conform to these sections of the <i>Planning Act</i>, subject to the proposed conditions.</p>
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CONCLUSION:

The Planning Department recommends **approval** of application **B-018-2023** and related applications **A-047-2023, A-048-2023, A-049-2023**, subject to conditions.

PREPARED BY:

Brandon Correia, MCIP, RPP
Manager of Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: November 8, 2023

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

FILE/APPLICATION: B-018-2023

SUBJECT: 3967 Algonquin Avenue

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. Apply for and obtain a building permit to move the on-site sewage system on to the property retained (with the dwelling unit), to the satisfaction of the of Community Development Standards Branch (Building Department).
2. Move the accessory structure shed less than 15m² to the retained property (with the principal dwelling unit). If the accessory structure exceeds 15m² apply for a building permit to move the structure, to the satisfaction of the of Community Development Standards Branch (Building Department).
3. The proposed property line appears to impact the spatial separation requirements regarding the existing unprotected openings, i.e. windows and doors. A review by a qualified designer is to be submitted to meet the requirements of the Ontario Building Code 9.10.15.4. to the satisfaction of Community Development Standards Branch (Building Department). If this proposed setback does not meet the Building Code requirement, a building permit to rectify this situation will be required. The prescribed construction must be completed, and the associated permit closed to the satisfaction of Community Development Standards Branch (Building Department).



Engineering

MEMORANDUM TO FILE

DATE: November 9, 2023

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

FILE/APPLICATION: B-018-2023

SUBJECT: 3967 Algonquin Avenue

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 scoped hydrogeological assessment and submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.

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 conditions.

MEMORANDUM TO FILE

DATE: November 3, 2023

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

FILE/APPLICATION: B-018, A-046, A-047, A-048 and A-049-2023

SUBJECT: 3967 Algonquin Avenue

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):

AT CUSTOMER COST - METER BASE TO BE RAISED TO STANDARD HEIGHT OF 60"-66" FROM TOP OF NEW DECK TO CENTRE OF METER BASE.

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)

