

Summary of Comments

A-001-2024 – 212 Valley View Drive



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-001-2024
MEETING DATE: March 21, 2023
TO: Toomaj Haghshenas
Secretary Treasurer Committee of Adjustment
FROM: Toomaj Haghshenas
Development Planner
SUBJECT: Minor variance application A-001-2024 seeking relief from Sections 3.3(b) for an increase to the maximum permitted gross floor area or footprint for an accessory building or structure in any Residential zone except in the Rural Residential (RR) zone.

PROPERTY INFORMATION:

Municipal Address	212 Valleyview Drive
Legal Description	CON 4 PLAN 1683 LOT 24
Official Plan	Hamlet Residential (Schedule B8)
Zoning By-law	Residential 1 (R1)

RECOMMENDATION:

The Planning Department recommends approval of A-001-2024, subject to the following conditions:

- 1.) That the variance only apply to the submitted drawings and that any future development of the lands be subject to the Zoning By-law.
- 2.) That no trees be removed during construction of the structure.

Application Number	By-law Section	Requirements	Proposed	Difference
A-001-2024	3.3 b)	Max 50m ²	95.06m ²	+45.06 m ²

REASON FOR APPLICATION:

The applicant is proposing to construct a detached garage structure in the rear yard with a footprint of 95.06 m². The applicant is seeking relief from Section 3.3 b) of the Zoning By-law which states that the gross floor area or footprint of an accessory building or structure shall not exceed 50 square metres in any Residential zone, except in the Rural Residential zone.

SURROUNDING LANDS:

North	Sports Field (Coral Woods Park) with cell tower
East	Churchill Community Centre
South	Single-detached dwelling
West	Valley View Drive and Single-detached dwellings

ANALYSIS:

Site Inspection Date	March 6, 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 Churchill. The subject lands are designated Hamlet Residential in the Official Plan (Schedule B8). They are also within a Wellhead Protection Area per Appendix 7c due to proximity to municipal well. The Hamlet Residential designation permits single detached dwellings and allows accessory structures including a detached garage. The detached garage is located in the rear yard and is considered of a reasonable scale proportionate to the lot that meets the intent of Section 10.1.40 regarding building massing respecting the context of the local character. The proposed accessory structure is reasonable in terms of location and size and represents appropriate development within the context of the character of the neighborhood. The Building Department has stated in their comments that prior to application for building permit, written confirmation is required from the Risk Management Officer for the Nottawasaga Valley Conservation Authority (NVCA) that a Section 59 Notice (sourcewater protection permit) under the <i>Clean Water Act</i> (2006) is not required for the proposed garage for the wellhead protection area. This is a standard requirement for building permit and is therefore not necessary as a formal condition of approval for a variance..The proposal 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 Residential 1 (R1) in the Town’s Zoning By-law 080-13. The R1 zone permits single detached dwelling and accessory structures, including detached garages.</p> <p>Section 3.3 b) of the Town’s Zoning By-law states the gross floor area or footprint of an accessory building or structure shall not exceed 50 square metres in any Residential Zone. The proposed gross floor area of the detached garage is 95.06 square metres. The purpose of this provision is to ensure that accessory structures are smaller than the principal dwelling, and that they are limited in visual bulk and massing. The increase in floor area (45.06m²) will not provide a negative visual impact as far as massing and density. The principal dwelling will remain the dominant structure in terms of scale and use on the property due to its larger size and location closer to the front lot line. The property is also large enough that visual bulk and massing of the detached garage is not of significant concern.</p> <p>The proposed accessory structure complies with all other provisions in the Zoning By-law, including lot coverage, height and all yard setbacks.</p>

	<p>Similar to the Official Plan, the Zoning By-law regulates this area under Wellhead Protection Area B due to proximity to a municipal well. Any building permits within these areas are required to be reviewed by the Building Department for meeting the zoning requirements of a Wellhead Protection Area, and are subject to confirmation from NVCA that they are not subject to a Section 59 Notice (sourcewater protection permit), as previously stated.</p> <p>Staff are of the opinion the variance is in keeping with the general purpose and intent of the Zoning By-law, subject to the proposed conditions.</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 proposed detached garage is located on the east side of the property in the rear yard. The proposed garage takes advantage of an existing driveway and would have limited impacts to neighbouring properties due to adequate setbacks from property lines and compliance with all other zoning provisions. No trees will need to be removed, minimizing disturbance and visual impact. The property is adjacent to two public Town owned properties with a tree line to the south; and there are no windows being proposed which help alleviate any privacy issues that may arise.</p> <p>The reason for the additional requirement in size, according to the applicant, is to help store various personal items including ATVs, kayaks, a riding mower, two motorcycles, patio furniture and trailers that may otherwise be outside in plain view. The indoor space allows for secure storage and minimal visual impact.</p> <p>Given the proposed location and height of the accessory structure and compliance with all other zoning provisions, Staff consider the variances desirable and appropriate for the use of the land.</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 proposed variance could be considered minor, subject to the proposed condition, due to the 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.</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: March 1, 2024

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

FILE/APPLICATION: A-001-2024

SUBJECT: 212 Valleyview 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. All structures over 50m² will require a lot grading plan to be submitted at time of building permit application. The lot grading plan shall be prepared by an OLS or P.Eng and deemed satisfactory by the Community Development Standards Branch (Building Department).
2. Prior to applying for a building permit, please obtain written confirmation from the Risk Management Officer that a section 59 notice is not required for the wellhead protection area. An email from Ryan Post is acceptable; rpost@nvca.on.ca

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. The applicant/owner shall provide a site plan with proposed building and septic footprint that meets all Ontario Building Code please include all setbacks to all structures existing and proposed, as well as the property lines to the satisfaction of Community Development Standards Branch (Building Department).
2. The applicant/owner shall provide a site plan with proposed building and all additional structures on the property; house, decks, pool, and any sheds, please include all dimensions of all structures to the satisfaction of Community Development Standards Branch (Building Department).



Engineering

MEMORANDUM TO FILE

DATE: March 15, 2023

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

FILE/APPLICATION: A-001-2024

SUBJECT: 212 Valleyview 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. 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 conditions of approval.